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SUMMARY RECORD OF THE 52nd MEETING

Held at the Palais des Nations, Geneva,
on Friday, 17 April 1998, at 3 p.m.

Chairman: Mr. SELEBI (South Africa)

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CONSIDERATION OF DRAFT RESOLUTIONS AND DECISIONS UNDER AGENDA ITEMS 8, 9 AND 17

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GE.98-12355 (E)

The meeting was called to order at 3 p.m.

CONSIDERATION OF DRAFT RESOLUTIONS AND DECISIONS UNDER AGENDA ITEMS 8, 9 AND 17

Draft resolution under agenda item 8

Draft resolution E/CN.4/1998/L.76 (The right to restitution, compensation and rehabilitation for victims of grave violations of human rights and fundamental freedoms).

1. Mr. LILLO (Chile), introducing the draft resolution on behalf of its 29 sponsors, said that was intended to achieve progress with regard to compensation by emphasizing the need to give increasing attention to the matter in conformity with resolutions adopted by the Commission since 1994. Two changes had been made in paragraph 2: the word "independent" in the second line and the words "at no additional cost to the regular budget" in the same line had been deleted, it being understood that the cost incurred would be financed out of extrabudgetary funds.

2. His delegation was happy to note that the draft was sponsored by a large number of delegations representing all regions of the world, and hoped that as in previous years, it would be adopted by consensus.

3. Mr. COMBA (Secretariat) said that, in the draft resolution under consideration, the Commission, requested the appointment of an expert to prepare a revised version of the draft basic principles and guidelines on the right to reparation for victims of violations of human rights and international humanitarian law. The amount that involved was provisionally estimated at US$ 8,800. As no appropriation was provided under that heading in the programme budget for 1998-1999, the activity would be financed out of existing resources.

4. Draft resolution E/CN.4/1998/L.76, as amended, was adopted.

Draft resolutions and decisions under agenda item 9

Draft resolution E/CN.4/1998/L.42 (Regional arrangements for the promotion and protection of human rights in the Asian and Pacific region).

5. Mr. ALAEE (Islamic Republic of Iran), introducing the draft resolution on behalf of his country as well as Afghanistan, Australia, China, Cyprus, India, Japan, Jordan, New Zealand, Philippines, the Republic of Korea and Sri Lanka, said that the text before the Commission was the result of consultations among the various delegations concerned. Concise though it was, the draft fully reflected the results of activities carried out, and in particular the adoption of a framework for regional technical cooperation in the Asian and Pacific region and the Teheran Workshop conclusions on arrangements for the promotion and protection of human rights in the region. His delegation was confident that its adoption would help to accelerate the building of national human rights capacities and to promote cooperation among countries of the region. He hoped that, as in previous years, the draft resolution would be adopted without a vote.

6. Ms. KLEIN (Secretary of the Commission) announced that Bangladesh and Pakistan had joined the co-sponsors of the draft resolution.

7. Draft resolution E/CN.4/1998/L.42 was adopted without a vote.

Draft resolution E/CN.4/1998/L.52 (United Nations Decade for Human Rights Education)

8. Ms. THOMPSON (Costa Rica), introducing the draft resolution on behalf of the sponsors, said that it formed part of the action taken pursuant to General Assembly resolution 49/184 proclaiming the United Nations Decade for Human Rights Education. The sponsors had agreed to insert a new paragraph 9, which reproduced a paragraph of resolution 1997/43 and read as follows:

> "Urges the relevant organs, bodies and agencies of the United Nations system, all human rights bodies of the United Nations system, as well as the United Nations High Commissioner for Human Rights and the United Nations High Commissioner for Refugees, to provide human rights education including the rights of women for all United Nations personnel and officials;".

Her delegation was convinced of the fundamental importance of education in the field of human rights and hoped that the spirit of cooperation that had prevailed during the preparation of the draft would help the activities of the Decade to bring about the establishment of educational systems which contributed to full respect for human rights. She hoped that the Commission would adopt the draft resolution by consensus.

9. Ms. KLEIN (Secretary of the Commission) said that Australia, Austria, Bangladesh, the Democratic Republic of the Congo, the Former Yugoslav Republic of Macedonia, Greece, India, Mali, Norway, Sudan and Thailand had joined the sponsors of the draft resolution.

10. Draft resolution E/CN.4/1998/L.52, as amended, was adopted without a vote.

Draft resolution E/CN.4/1998/L.63 (Composition of the staff of the Office of the High Commissioner for Human Rights)

11. Mr. REYES RODRIGUEZ (Cuba), introducing the draft resolution, said that Sudan, Iraq, Mauritania and Saudi Arabia had joined the sponsors, bringing the total to 30.

12. The sponsors believed that the universality of human rights was founded upon due respect for the diversity of countries and systems. It was therefore most important that the composition of the staff of the Office of the High Commissioner for Human Rights should be in conformity with the principle of equitable geographical distribution. The previous year, his delegation had, in a spirit of compromise, agreed to defer the decision on the matter so as to give the departments concerned time to take corrective action. However, the report of the High Commissioner for Human Rights (E/CN.4/1998/52) showed that the desired balance had not been restored, the number of staff members from countries in the group of Western European and other States being 42 as against only 38 for all other regional groups. In view of that situation, the

draft resolution recalled that the criterion of high standards of efficiency, competence and integrity established in Article 101 of the Charter was compatible with the principle of equitable geographical distribution, stressed the need to pay particular attention to the recruitment of personnel from developing countries, and welcomed the High Commissioner's intention to ensure a good geographical balance between North and South.

13. Two amendments had been made in the text of the draft resolution. In the Spanish text, the word "alto" in paragraph 2 had been replaced by "alta", and the word "particularly" in paragraph 3 had been deleted. His delegation hoped that the draft resolution would be adopted by a large majority.

14. Mr. BAQUEROT (Director of the UNOG Administration Division) said that a review of some of the draft resolutions before the Commission showed an increasing tendency to deal with administrative, budgetary and especially human resources matters. As regards the latter, he drew the Commission's attention to General Assembly resolution 51/226 dealing, inter alia, with recruitment issues, including geographical distribution and junior professional officers. Those issues were dealt with by the General Assembly on a Secretariat-wide basis rather than piecemeal. In that connection, he recalled part B.VI of General Assembly resolution 45/248 on human resources management, in which the Assembly had reaffirmed that the Fifth Committee was the main committee entrusted with responsibilities for administrative and budgetary matters and expressed its concern at the tendency of its substantive committees to involve themselves in such matters.

15. Mr. REYES RODRIGUEZ (Cuba) said he was rather surprised by the statement just made by the Director of the Administration Division. The Secretariat had already had an opportunity to make known its point of view in document E/CN.4/1998/52 which, incidentally, had been submitted to the Commission only three days before the beginning of the debate on agenda item 9, a fact which had not failed to affect the quality of the proceedings. The Secretariat should confine itself strictly to its role and refrain from interfering in the work of the Commission. His delegation was fully aware of the nature of its duties; the point at related to essential principles which the States sponsoring the draft wished to recall. What was at stake was the right of all regions to be represented on an equal footing in the most important divisions of the Secretariat.

16. Mr. McALISTER (Canada), speaking in explanation of vote before the vote, said that certain parts of the draft resolution in many respects constituted interference in matters of personnel and resource management which did not fall within the purview of the Commission. In that connection, he assured the Secretary-General and the High Commissioner for Human Rights of his full support for the measures taken to improve the operation of the Office of the High Commissioner. The prerogatives of various United Nations organs were clearly defined and the Commission should not deal with matters within the jurisdiction of the General Assembly. For those reasons, his delegation would vote against the draft resolution. His statement also reflected the views of the Australian and New Zealand delegations.

17. Ms. GLOVER (United Kingdom) said that the delegations of the member States of the European Union would vote against the draft resolution. They

regretted not having been consulted on the text about which they had serious reservations. The draft attempted to reinterpret Article 101, paragraph 3 of the Charter, which set forth the standards for recruitment of Secretariat staff. The sponsors of the draft took no account of the fact that the principle of geographical distribution applied to the United Nations as a whole and tried to vest the Commission with powers which belonged exclusively to the Secretary-General. The Commission was not the executive body of the Office of the High Commissioner for Human Rights and could not dictate to it on staffing policy.

18. Mr. LOFTIS (United States of America) associated himself with the statements of the representatives of Canada and the United Kingdom.

19. Mr. REYES RODRIGUEZ (Cuba) said that it was quite understandable that those who occupied a privileged position in the Office of the High Commissioner for Human Rights should be anxious to preserve it.

20. At the request of the representative of Cuba, a vote was taken by roll-call.

21. Congo, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Argentina, Bangladesh, Bhutan, Botswana, Brazil, Cape Verde, Chile, China, Congo, Cuba, Democratic Republic of the Congo, Ecuador, El Salvador, Guatemala, Guinea, India, Indonesia, Madagascar, Malaysia, Mali, Mexico, Morocco, Mozambique, Nepal, Pakistan, Peru, Philippines, Rwanda, Senegal, South Africa, Sri Lanka, Sudan, Tunisia, Uganda, Uruguay, Venezuela;

Against: Austria, Belarus, Canada, Czech Republic, Denmark, France, Germany, Ireland, Italy, Japan, Luxembourg, Poland, Russian Federation, Ukraine, United Kingdom, United States;

Abstaining: Republic of Korea.

22. Draft resolution E/CN.4/1998/L.63 was adopted by 36 votes to 16, with 1 abstention.

Draft resolution E/CN.4/1998/L.64 (Human rights and terrorism)

23. Mr. MERIC (Observer for Turkey), introducing the draft resolution, said that it was the latest in a series of similar resolutions adopted by the Commission on Human Rights and the General Assembly. It was designed to condemn terrorism in all its forms and manifestations and to express the international community's serious concern at the gross violations of human rights perpetrated by terrorist groups. Terrorist activities constituted gross violations of human rights, since terrorists disregarded the most fundamental of all human rights, namely, the right to life. The decision of the Sub-Commission to carry out a comprehensive study on the subject of terrorism and human rights was to be welcomed.

24. The draft resolution also drew attention to the growing connection between terrorist groups and organized crime, as well as to the need to strengthen international cooperation, in particular through the United Nations. It highlighted the need to study further the role and responsibilities of non-State actors in the human rights sphere, particularly in cases where acts of terrorism occurred.

25. It went without saying that the draft resolution in no way challenged the right of peoples under colonial or foreign domination lawfully to exercise their inalienable right to self-determination. His delegation, together with the other sponsors, hoped that the draft resolution would be widely supported.

26. Ms. KLEIN (Secretary of the Commission) announced that India, Georgia and Bangladesh had also become sponsors of the draft resolution.

27. Mr. GOMEZ-ROBLEDO VERDUZCO (Mexico), speaking in explanation of vote before the vote, said that he could not subscribe to the draft resolution because it made no contribution to the struggle against the scourge of terrorism. His Government vigorously condemned all acts of terrorism and was determined to strengthen the mechanisms set up by the international community to eliminate such acts; it had recently participated in work on the International Convention for the Suppression of Terrorist Bombings, adopted by the General Assembly at its fifty-second session. However, he could not agree with the thirteenth preambular paragraph of the draft, because he believed that violations of human rights could be imputed only to the State and its agents. Saying that terrorist groups could perpetrate human rights violations could lead to justification being claimed for human rights violations on the grounds of the struggle against terrorism.

28. Mr. SALINAS RIVERA (Chile) said that his delegation would abstain because it considered that human rights violations could be committed only by States. Crimes perpetrated by terrorists had to be punished under the criminal legislation of States.

29. Mr. PLORUTTI (Argentina) said his delegation would abstain from the vote because, in its view, the reference to violations of human rights perpetrated by terrorist groups attributed to those groups a status not conferred upon them by existing international law. Nevertheless, his delegation vigorously condemned all terrorist acts in all their forms and for whatever motive they might be committed, and regarded them as offences under the ordinary law which had to be firmly suppressed in order to preserve the rule of law.

30. The struggle against terrorism was primarily the responsibility of States, one of whose duties was not to support terrorist movements. It was also a matter for international cooperation. At the regional American level, cooperation was based on a number of important international instruments, such as that adopted at the Summit of the Americas held at Miami in 1994, the Buenos Aires Declaration on cooperation to prevent and eliminate international terrorism adopted in 1995, and the Declaration and Plan of Action on

hemispheric cooperation to prevent, combat and eliminate terrorism adopted by the Inter-American Conference on Terrorism held in Lima in 1996. Furthermore, his Government had organized the first International Congress on Terrorism, attended by eminent experts from the American continent, Europe and Asia, in Buenos Aires in December 1997.

31. Ms. GLOVER (United Kingdom), speaking on behalf of the European Union (EU), said that it could not support the draft resolution. While it unequivocally condemned all acts and methods of terrorism, whatever they might be, it was of the opinion that the Sixth Committee was the forum best suited for a thorough examination of the question of terrorism. Terrorism was a threat to democracy and was unjustifiable. However, the activities of terrorist groups could not be invoked to justify human rights violations by any State. The EU welcomed the inclusion in the seventeenth preambular paragraph and in paragraph 5 of the draft of an unequivocal affirmation that all measures to counter terrorism must be in strict conformity with international human rights standards. It also welcomed the affirmation in paragraph 6 that cooperation at the regional and international levels had to be carried out in accordance with relevant international instruments. Nonetheless, it had serious reservations about some other parts of the draft, in particular the thirteenth preambular paragraph and paragraph 8. It could not agree with the assertion that terrorist activities as such constituted violations of human rights. The distinction between acts which were attributable to States and criminal acts which were not was an important one, and the thirteenth preambular paragraph did not, in the European Union's view, confer on terrorists any status under international law.

32. Ms. CHATSIS (Canada) said that her delegation strongly condemned all acts of terrorism and actively promoted international action to combat all such acts. There was a significant body of international law which addressed terrorist acts. In the autumn of 1997, the General Assembly had, on a proposal of the Sixth Committee, adopted the International Convention for the Suppression of Terrorist Bombings, as well as a general resolution aimed at combating terrorism. Such action was more effective in fighting terrorism than any resolution the Commission might adopt. Her delegation was unable to support the draft resolution, which contained the assertion that terrorist groups were responsible for gross violations of human rights. Terrorists committed crimes and had to be brought to justice. Even if acts of terrorism could have serious effects on the enjoyment of human rights, Governments alone had international human rights obligations.

33. Mr. LOFTIS (United States) said that his country remained deeply committed to the international effort to combat terrorism. However, his delegation believed that the proper forum for discussing terrorism and human rights was the Sixth Committee. It could see no reason for the Commission to enter a field in which another United Nations body was already extensively engaged. Such duplication of efforts could only complicate the work in progress. Furthermore, the draft resolution granted terrorists a measure of legitimacy by equating their criminal conduct with that of State actors who violated human rights. For all those reasons, his delegation would abstain from the vote on the draft resolution.

34. Mr. SUMI (Japan) said that his delegation unequivocally condemned all acts and practices of terrorism and supported international cooperation in the fight against such acts. However, it would abstain on the draft resolution before the Commission as it had some difficulty with the thirteenth preambular paragraph.

35. At the request of the representative of the United States, a vote was taken on the draft resolution.

36. Draft resolution E/CN.4/1998/L.64 was adopted by 33 votes to none, with 20 abstentions.

Draft resolution E/CN.4/1998/L.65 (Human rights and arbitrary deprivation of nationality)

37. Ms. RYKOV (Russian Federation), introducing the draft resolution, recalled that the Universal Declaration of Human Rights in its article 15, as well as other international human rights instruments, proclaimed that no one could be arbitrarily deprived of his or her nationality. Deprivation of nationality was an especially serious violation of human rights because it affected the exercise of many other human rights. Every human being needed a nationality in order to be a fully-fledged member of society. The draft resolution was motivated by the fact that arbitrary deprivation of nationality had given rise to many problems and a great deal of discriminatory treatment in the past few decades.

38. Both the International Court of Justice and the Inter-American and European Courts of Human Rights had had occasion to rule on the question of nationality; according to those rulings States were required, in the exercise of their discretionary power, to respect their obligations in the field of human rights and to take into account the existence of a real link between a territory and its population. In drafting the text under consideration, the Russian delegation had proceeded on the basis of regional instruments such as the Inter-American Convention on Human Rights, the African Charter on the Rights and Welfare of the Child, the Helsinki Final Act and the European Convention on Nationality. It was important to recall, on the fiftieth anniversary of the Universal Declaration, that possession of a nationality was an essential precondition for the full exercise of human rights. She hoped that the draft resolution would be adopted by consensus.

39. Ms. KLEIN (Secretary of the Commission) announced that Colombia, Belarus and Nicaragua had also become sponsors of the draft resolution.

40. Draft resolution E/CN.4/1998/L.65 was adopted without a vote.

Draft resolution E/CN.4/1998/L.67 (Human rights and mass exoduses)

41. Ms. DION (Canada), introducing the draft resolution, said that it reaffirmed the need to intensify cooperation in worldwide efforts to address mass exoduses of refugees and displaced persons and the problems resulting therefrom; emphasized the responsibility of all States and international

organizations to cooperate with countries, particularly developing ones, affected by mass exoduses of refugees and displaced persons; called upon States to ensure effective protection of refugees; and requested the High Commissioner for Human Rights to pay particular attention to human rights situations which caused or threatened to cause mass exoduses or displacements of populations. The sponsors hoped that the draft resolution would be adopted by consensus.

42. Ms. KLEIN (Secretary of the Commission) announced that Tunisia, Austria, Greece, Japan, Uruguay and Norway had also become sponsors.

43. Draft resolution E/CN.4/1998/L.67 was adopted without a vote.

Draft resolution E/CN.4/1998/L.68 (Internally displaced persons)

44. Mr. STROHAL (Austria), introducing the draft resolution, said that the existence of a large number of internally displaced persons was a serious problem which essentially affected women and children. The activities undertaken by the representative of the Secretary-General appointed to deal with the question were to be welcomed. The following changes to the text had been agreed by the sponsors: in paragraph 1, the words "with appreciation" in the first line should be deleted and the words "presented by the representative of the Secretary-General" added at the end of the paragraph; in paragraph 2, the word "Commends" at the beginning of the paragraph should be replaced by the words "Expresses its appreciation to"; in paragraph 3, the word "also" should be inserted between the words "Expresses" and "its appreciation" in the first line; at the end of paragraph 5, the words "and to make use of them in their activities on behalf of internally-displaced persons" should be deleted; in paragraph 6 (English text), the word "Encourages" should be replaced by the words "Notes the stated intention of" and the words "and requests him to report to the Commission on his efforts and on the views expressed to him" added; paragraph 7 should be deleted; in the old paragraph 11 (new paragraph 10), the words "and takes note of the publication of a comprehensive study by him" at the end of the paragraph should be deleted. The sponsors hoped that the draft resolution, thus amended, would be adopted without a vote.

45. Ms. KLEIN (Secretary of the Commission) said that the following States had expressed the wish to become sponsors: Peru, Portugal, Netherlands, Zambia, Australia, Lithuania, South Africa, Uruguay, United States of America, Russian Federation, Canada, Belgium, Luxembourg, Costa Rica and Angola.

46. Mr. GOMEZ-ROBLEDO VERDUZCO (Mexico) said that his delegation would not oppose the draft resolution under consideration but wished to place on record its reservations with regard to paragraph 1. Given the importance of the subject, it was regrettable that the report of the representative of the Secretary-General on internally displaced persons (E/CN.4/1998/53), which included a study of the legal aspects of protection against arbitrary displacement and Guiding Principles relating to internal displacement of persons, had been distributed only on 6 April although it was dated 11 February 1998. As a result, his delegation was not in a position to comment on the report, and still less on the Guiding Principles. It would be recalled that General Assembly resolution 41/120 invited Member States and

United Nations bodies to bear in mind a series of guidelines in developing international instruments in the field of human rights and specified that such instruments should, inter alia, attract broad international support and be consistent with the existing body of international human rights law. Those guidelines had been reaffirmed by the World Conference on Human Rights. His delegation therefore reserved the right to comment at a later stage on the Guiding Principles drawn up by the representative of the Secretary-General.

47. Mr. BAKHEIT (Sudan) expressed his appreciation to the representative of the Secretary-General on internally displaced persons. The matter was of the greatest seriousness as it concerned some 25 million people throughout the world. He supported the draft resolution and hoped that the mandate of the representative of the Secretary-General would be extended.

48. Mr. COMBA (Secretariat) informed the Commission of the financial implications of the draft resolution, which recommended the appointment of the representative of the Secretary-General for a further three years. An appropriation of $126,300 was included for that purpose in chapter 22 of the programme budget for the biennium 1998-1999. The necessary resources for the third year of the mandate would be included in the draft programme budget for 2000-2001.

49. Draft resolution E/CN.4/1998/L.68, as orally amended, was adopted without a vote.

Draft resolution E/CN.4/1998/L.69 (Integrating the human rights of women throughout the United Nations system)

50. Ms. MLACAK (Canada), introducing the draft resolution on behalf of its sponsors, said that paragraph 7 had been replaced by the following:

> "Requests all human rights treaty bodies, special procedures and other human rights mechanisms of the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities to regularly and systematically take a gender perspective into account in the implementation of their mandates and to include in their reports information on and qualitative analysis of violations of human rights of women and girls, and encourages the strengthening of cooperation and coordination in that regard;"

51. Ms. KLEIN (Secretary of the Commission) said that the following States had also become sponsors of the draft resolution: Afghanistan, Angola, Argentina, Brazil, former Yugoslav Republic of Macedonia, France, Germany, Greece, Guatemala, India, Lithuania, Philippines, Slovenia, South Africa, United Kingdom, Venezuela and Zambia.

52. Mr. COMBA (Secretariat), referring to the organization of a further meeting of experts on the development of guidelines for the integration of a gender perspective into human rights activities and programmes recommended in paragraph 9 of the draft resolution, said that document E/CN.6/1998/2/Add.1 mentioned in the note by the Secretariat (E/CN.4/1998/49/Add.1) indicated that the Division for the Advancement of Women would mobilize the necessary

extrabudgetary resources. The draft resolution, if adopted, would therefore have no financial implications under the regular budget for the biennium 1998-1999.

53. Draft resolution E/CN.4/1998/L.69, as orally amended, was adopted without a vote.

Draft resolution E/CN.4/1998/L.70 (The elimination of violence against women)

54. Ms. MLACAK (Canada), introducing the draft resolution, said that the text, which referred inter alia to violence in the family and in the community and violence as perpetrated and/or condoned by the State as well as to the problem of female genital mutilation had commanded a great deal of interest and cooperation on the part of a large number of delegations. She therefore hoped that, like the resolutions on the same subject in previous years, it would be adopted by consensus.

55. Ms. KLEIN (Secretary of the Commission) said that the following States had also became sponsors of the draft: Afghanistan, Angola, Argentina, Brazil, former Yugoslav Republic of Macedonia, France, Greece, Haiti, Iceland, Philippines, Republic of Korea, Slovenia, South Africa, Togo, United Kingdom, Uruguay and Venezuela.

56. Mr. HERNANDEZ OUESADA (Cuba) said his country associated itself with the efforts being made within the United Nations system to combat violence against women, inter alia within the framework of the mandate of the Special Rapporteur on that issue, and was therefore prepared to join the consensus on the draft resolution. However, if the draft were put to the vote, his delegation would be unable to approve paragraphs 7 and 15 which, in its view, mixed up several separate mandates with the effect of politicizing the work of the Commission.

57. Mr. HOEYNCK (Germany) thanked the Canadian delegation for producing a text which reflected the consensus on the issue and, in some parts, also tried to point the way ahead. Germany had, in the general debate, informed the Commission about measures it had taken to counter negative developments, such as trafficking in women and violence against women, and had expressed itself in favour of including a separate item on gender issues in the Commission's agenda. So far as asylum was concerned, Germany's policy was fully in line with paragraph 9 (i), which called upon States to mainstream a gender perspective into national immigration and asylum policies, regulations and practices. His delegation therefore supported the important draft resolution under consideration.

58. Draft resolution E/CN.4/1998/L.70 was adopted without a vote.

Draft resolution E/CN.4/1998/L.72 (Impunity)

59. Ms. CHATSIS (Canada) said that the aim of the sponsors of the draft she was introducing was to address the subject in a forward-looking rather than a retrospective manner. They had no intention of embarking on a debate on sensitive questions that were already being addressed in a fully democratic fashion in countries which had successfully concluded difficult transitions to

democracy and full respect for human rights. Their object was, rather, to make it known to the perpetrators of serious violations of fundamental human rights and humanitarian law that they would be held accountable. That would help to end the cycle of violations and impunity. The draft proposed that the report submitted by the Special Rapporteur, Mr. Louis Joinet, pursuant to the Sub-Commission's decision 1996/119 (E/CN.4/Sub.2/1997/20/Rev.1), which contained a number of important principles, should be communicated to States, international organizations and non-governmental organizations, which should be invited to make their views thereon known to the Commission at its next session. States were also invited to provide information on any measures taken to combat impunity and to provide assistance and cooperation in that area to other States at their request.

60. A few changes had been made in the text by the sponsors. First, a new preambular paragraph reading as follows:

> "Recalling the universality, interdependence and indivisibility of civil, political, economic, social and cultural rights,"

had been inserted after the first preambular paragraph. In the fourth preambular paragraph (which thus became the fifth), the words "ensure that awareness of them guides" had been replaced by the word "guide". In the next paragraph, the words "a central element" had been replaced by the words "one of the central elements", and in the last preambular paragraph, the words "urgent need to establish" had been replaced by the words "importance of establishing". In paragraph 1, the word "urgent" in the third line had been replaced by "necessary".

61. Her delegation hoped that the draft resolution, which was important to all Governments and non-governmental organizations participating in the work of the Commission, would be adopted by consensus.

62. Ms. KLEIN (Secretary of the Commission) said that the following States had also become sponsors of the draft resolution: Australia, Austria, Bosnia and Herzegovina, Czech Republic, Denmark, Ethiopia, former Yugoslav Republic of Macedonia, France, Georgia, Guatemala, Haiti, Netherlands, New Zealand and Norway.

63. The CHAIRMAN said that the draft resolution had no financial implications.

64. Draft resolution E/CN.4/1998/L.72, as orally amended, was adopted without a vote.

Draft resolution E/CN.4/1998/L.74 (Towards a culture of peace)

65. Mr. LAGOS PIZZATI (El Salvador), introducing the draft resolution, said that the promotion of a culture of peace was fundamental to ensuring respect for human rights and recalled that, in addressing the present session, the Director-General of UNESCO had said that the best way for everyone to

celebrate the fiftieth anniversary of the Universal Declaration of Human Rights was to work untiringly towards the replacement of a culture of war and violence by a culture of peace. By adopting the proposed draft, the international community would demonstrate its attachment to that cause.

66. Ms. KLEIN (Secretary of the Commission) said that Angola, Georgia, Israel, Malta, Nepal and Tunisia had also become sponsors of the draft resolution.

67. Draft resolution E/CN.4/1998/L.74 was adopted without a vote.

Draft resolution E/CN.4/1998/L.75 (National institutions for the promotion and protection of human rights)

68. Mr. CONROY (Observer for Australia), introducing the draft resolution, said that one of the most important new elements in the draft was the reference to statements by the High Commissioner for Human Rights that the work on national institutions would be a high priority for her Office. Another key element of the resolution was that it encouraged States to establish effective, independent and pluralistic national institutions for the promotion and protection of human rights in conformity with the Principles relating to the status of such institutions annexed to General Assembly resolution 48/134. The draft also welcomed the strengthening of regional and international cooperation among national human rights institutions. The sponsors hoped that the draft resolution would be adopted by consensus.

69. Ms. KLEIN (Secretary of the Commission) said that Angola, Costa Rica, Georgia, Israel, Norway, Russian Federation, Sri Lanka and Togo had also become sponsors.

70. The CHAIRMAN said that the draft resolution would have no financial implications.

71. Mr. MAJDI (Morocco) said that the French text of the eighth preambular paragraph was an incomplete rendering of the original English and should be rectified.

72. Draft resolution E/CN.4/1998/L.75 was adopted without a vote.

Draft resolution E/CN.4/1998/L.77/Rev.1 (Fiftieth anniversary of the Universal Declaration of Human Rights)

73. Mr. JAKUBOWSKI (Poland) said that the draft he was introducing on behalf of the sponsors was the result of extensive consultations among a great number of delegations, and therefore hoped that it would be adopted by consensus. The difference between it and the draft in document E/CN.4/1998/L.77 consisted in the insertion of a new sixth preambular paragraph.

74. Ms. KLEIN (Secretary of the Commission) said that the names of all delegations sponsoring the draft would be duly recorded in the report of the Commission.

75. Mr. REYES RODRIGUEZ (Cuba) said that, in view of the flexibility shown by the sponsors, his delegation wished to withdraw its draft resolution E/CN.4/1998/L.26 and to join the sponsors of the draft under consideration.

76. Mr. HAMIDON (Malaysia) said that, without dissociating itself from the consensus, his delegation would have preferred to see the operative part of the draft resolution mention the need to review and assess the progress made in the field of human rights since the adoption of the Universal Declaration of Human Rights. It was clear that the international community had not achieved the Universal Declaration's objectives, in particular as regards economic cooperation and the realization of economic, social and cultural rights. Such a formulation would also have been in conformity with the consensus text adopted by the General Assembly in its resolution 52/117.

77. Mr. IDRIS (Sudan) associated himself with the comments of the representative of Malaysia.

78. Draft resolution E/CN.4/1998/L.77/Rev.1 was adopted without a vote.

Draft decision 7 of the Sub-Commission recommended to the Commission for adoption in document E/CN.4/1998/2-E/CN.4/Sub.2/1997/50 (Freedom of movement and population transfer)

79. Draft decision 7 recommended to the Commission by the Sub-Commission in document E/CN.4/1998/2-E/CN.4/Sub.2/1997/50 was adopted.

Draft decision 8 proposed by the Sub-Commission to the Commission in document E/CN.4/1998/2-E/CN.4/Sub.2/1997/50 (Study concerning the right to freedom of movement)

80. The CHAIRMAN said that the draft was superseded by the adoption of draft decision E/CN.4/1998/L.48.

Draft decision 9 of the Sub-Commission recommended to the Commission for adoption in document E/CN.4/1998/2-E/CN.4/Sub.2/1997/50 (Human rights and terrorism)

81. Mr. SINGH (India) said that the study on the question of human rights and terrorism proposed by the Sub-Commission was both important and timely. There were differences of perception regarding how best to address the problem of terrorism and even whether terrorism constituted a violation of human rights, some delegations preferring purely legalistic approaches based on the position that it was only States that violated human rights. Some progress had been made on those issues at Vienna, where it had been recognized that acts, methods and practices of terrorism were activities aimed at the destruction of human rights. Article 30 of the Universal Declaration of Human Rights contained the injunction that no group or person had any right to engage in any activity aimed at the destruction of the rights set forth in the Declaration. Terrorist acts violated the most fundamental right of all, the right to life, and also infringed many other rights. The question of the responsibility of individuals or groups who comprised non-State actors was already being discussed in the context of violence against women, the rights of the child, and the international criminal tribunal. Much work still had to

be done to clarify all aspects of the complex issue of human rights and terrorism. The Sub-Commission was best placed to undertake a detailed study of the subject which he hoped would help to build up an international consensus. His delegation therefore hoped that the Commission would approve the Sub-Commission's recommendation.

82. Mr. COMBA (Secretariat), referring to the financial implications of the appointment for three years of a new Special Rapporteur to conduct a comprehensive study on terrorism and human rights, said that the necessary resources were preliminarily estimated at $51,600 for 1998-1999 and $41,300 for the year 2000. Costs that could not be funded from existing resources already budgeted for travel and staff support for the Sub-commission would be included in the final programme budget implications statement to be submitted to the next session of the Economic and Social Council. The estimated resources for the year 2000 would be included in the proposed programme budget for 2000-2001.

83. At the request of the representative of the United States, a vote was taken on draft decision 9.

84. At the request of the representative of India, the vote was taken by roll-call.

85. Australia, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Bangladesh, Belarus, Bhutan, Botswana, Brazil, Cape Verde, Chile, China, Congo, Cuba, Democratic Republic of the Congo, Ecuador, El Salvador, Guatemala, Guinea, India, Indonesia, Madagascar, Malaysia, Mali, Morocco, Mozambique, Nepal, Pakistan, Peru, Philippines, Republic of Korea, Russian Federation, Rwanda, Senegal, South Africa, Sri Lanka, Sudan, Tunisia, Uganda, Uruguay, Venezuela.

Against: None.

Abstaining: Argentina, Austria, Canada, Czech Republic, Denmark, France, Germany, Ireland, Italy, Japan, Luxembourg, Mexico, Poland, Ukraine, United Kingdom, United States of America.

86. Draft decision 9 of the Sub-Commission recommended to the Commission for adoption in document E/CN.4/1998/2-E/CN.4/1997/50 was adopted by 37 votes to none with 16 abstentions.

Draft resolutions under agenda item 17

Draft resolution E/CN.4/1998/L.44 (Advisory services, technical cooperation and the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights).

87. Mr. HUTH (Germany), introducing the draft resolution on behalf of its sponsors, said that advisory services in the field of human rights had become a pillar of United Nations human rights structures. He congratulated the

Office of the High Commissioner for Human Rights on the quality and range of the services provided despite an overall lack of necessary resources, and commended the Board of Trustees of the Voluntary Fund for Technical Cooperation for its dedication. In paragraph 8 of the draft resolution, the Commission welcomed the enhanced cooperation between the Office of the High Commissioner for Human Rights and UNDP, as well as the Secretary-General's request to the High Commissioner to formulate proposals for improving complementarity of technical assistance provided in the sphere of human rights. Deploring the fact that activities relating to advisory services and technical cooperation in the human rights field were financed largely through voluntary contributions, the sponsors of the draft resolution emphasized in paragraph 10 the need for an increase in the allocation of resources to those activities from the regular United Nations budget. They considered it particularly important to expand the range of donors, and stressed that even modest contributions were welcome. The sponsors hoped that the draft resolution would be adopted by consensus.

88. Ms. KLEIN (Secretary of the Commission) announced that the following States had also become sponsors of the draft resolution: Belarus, Brazil, Cape Verde, Cyprus, Dominican Republic, Greece, Guatemala, Hungary, Japan, Mongolia, Norway, Peru, Republic of Korea, Romania, Togo, Tunisia, Ukraine.

89. Mr. SINGH (India) said it was essential to maintain the identity of advisory services and technical cooperation programmes as distinct from programmes relating to monitoring and field missions, bearing in mind that all three aspects were now handled by the same branch of the Office of the High Commissioner for Human Rights. The primary purpose of the technical cooperation programmes was to help countries in strengthening the institutions of democracy and the rule of law; the logic of the programmes therefore flowed from a developmental approach to human rights quite distinct from the approach to mandates relating to monitoring. National capacity-building was essential for lasting progress in the enjoyment of human rights, and States should be encouraged to seek the technical cooperation offered by the Office of the High Commissioner. His delegation was disappointed that the suggestions it had made in the light of those considerations during the consultations had not been accommodated, and therefore regretted that it was unable to continue as a sponsor of the draft resolution.

90. Mr. LEPATAN (Philippines) associated himself with the Indian delegation's remarks.

91. The CHAIRMAN said that the adoption of draft resolution E/CN.4/1998/L.44 would have no financial implications.

92. Draft resolution E/CN.4/1998/L.44 was adopted without a vote.

Draft resolution E/CN.4/1998/L.51 (Situation of human rights in Haiti)

93. Mr. RODRIGUEZ CEDENO (Venezuela), introducing the draft resolution on behalf of its sponsors, said that it had been prepared as a result of consultations held within the "Group of friends of Haiti", composed of Argentina, Canada, Chile, France, the United States and Venezuela, in

collaboration with Haiti. The draft was essentially an update of the text adopted at earlier sessions prepared in the light of the report of the Commission's independent expert.

94. Haiti was gripped by a permanent economic crisis compounded since June 1997 by political instability due to the absence of agreement on the appointment of a Prime Minister. It continued to suffer from the shortcomings of the judicial system, the police apparatus and the penitentiary system which were obviously having a negative impact on human rights. The draft resolution therefore emphasized the need for the Government of Haiti, in cooperation with the international community, to take specific steps to cope with that situation and to overcome the deadlock created with regard to the appointment of the Prime Minister. Furthermore, in view of the persistence and seriousness of the problem of violence against women, the draft resolution once again invited the Special Rapporteur on the subject to visit Haiti. Such a visit could, it seemed, be arranged in the autumn of 1998 or early in 1999. The draft resolution's sponsors hoped that it would be adopted by consensus.

95. Ms. KLEIN (Secretary of the Commission) announced that Bolivia, Denmark, Ecuador, Honduras, Japan, Senegal, Sweden and the United States of America had also become sponsors of the draft resolution.

96. The CHAIRMAN said that there were no financial implications.

97. Draft resolution E/CN.4/1998/L.51 was adopted without a vote.

Draft resolution E/CN.4/1998/L.66 (Assistance to Somalia in the field of human rights)

98. Mr. TOSCANO introduced the draft resolution on behalf of its sponsors, who had been joined by Australia, Bulgaria, Canada, Cyprus, Denmark, France, Gabon, Japan, New Zealand and Norway. Having already had occasion to comment on the spirit and content of the draft resolution in his statement before the Commission on 9 April 1998, he would simply express the hope that the draft should be adopted by consensus. He also wished to reaffirm the need, referred to in paragraph 3 (c), for all parties in Somalia to assume full responsibility for the protection of international personnel and of representatives of non-governmental organizations operating in the country, and to express the hope that the serious episode of the kidnapping of ICRC personnel and of airline pilots which had occurred at Mogadiscio Airport on 15 April would be resolved positively and without delay.

99. The CHAIRMAN said that the adoption of the draft resolution would have no financial implications.

100. Draft resolution E/CN.4/1998/L.65 was adopted without a vote.

Draft resolution E/CN.4/1998/L.71 (Situation of human rights in Cambodia)

101. Ms. KERR (Australia), introducing the draft resolution on behalf of the sponsors, said that it was the result of extensive consultations. It welcomed the visit to Cambodia in January 1998 of the High Commissioner for Human Rights, the agreement by the Government of Cambodia to extend the mandate of

the office in Phnom Penh of the High Commissioner for Human Rights, and the role of the United Nations in the Cambodian elections. It also called upon Member States to contribute to the election process.

102. The following amendments to the draft had been agreed by the sponsors: in paragraph 8, the words "for the armed forces to remain neutral" should be added after the words "from intimidation" in the fourth line; the words "and their unfettered resumption of political activity" should be added at the end of paragraph 9; and paragraph 10 should be amended to read as follows:

> "Welcomes the decision by the Secretary-General to accept the invitation from the Government of Cambodia for the United Nations to play a coordinating role in the international observation of elections scheduled for 26 July;";

moreover, paragraph 15 should be amended to read as follows:

> "Expresses appreciation to the Government and people of Thailand for the humanitarian assistance to displaced persons from Cambodia; welcomes the role of United Nations agencies in the repatriation of refugees and displaced persons; and calls on the Government of Cambodia to ensure their full reintegration into Cambodian society and political life, and, in particular, to exercise its best efforts to enable their participation in the forthcoming election;".

103. Ms. KLEIN (Secretary of the Commission) announced that Canada, Denmark, Finland, France, Germany, Ireland, New Zealand, Norway and the United States of America had also become sponsors of the draft resolution.

104. Mr. TARMIDZI (Indonesia), speaking on behalf of the ASEAN member delegations, said he wished to offer some comments on the present situation in Cambodia, bearing in mind, on the one hand, the role played by ASEAN in the process restoring peace and stability in that country and, on the other hand, the fact that the process currently found itself at a delicate stage. First, he wished to inform the Commission that the ASEAN Troika on Cambodia, composed of the foreign ministers of Indonesia, the Philippines and Thailand, would be meeting in Bangkok on 18 April to review recent developments and to confer with the "Friends of Cambodia". The Troika would also seek an audience with Prince Sihanouk to demonstrate its recognition and support for the vital role played by him in fostering national reconciliation in Cambodia.

105. The establishment of a legal framework in conformity with international standards for multi-party elections, the announcement of a separate and unilateral ceasefire by the parties to the conflict, the royal amnesty granted to Samdech Norodom Ranariddh, as well as the latter's safe, albeit brief, return to the country represented positive developments of a kind that could contribute to some extent to the process of free, fair and credible elections. However, several important issues remained to be settled, including the conclusion of a permanent ceasefire, the reintegration of the Royal Cambodian Armed Forces in the regular armed forces, the repatriation of Cambodian displaced persons from Thailand, and preparations for the elections to be held on 26 July 1998. The ASEAN member countries encouraged the United Nations to continue its assistance to the electoral process. For their part, they would

continue to do their best to contribute towards the restoration of peace and political stability in Cambodia and hoped that the Commission would adopt the draft resolution by consensus.

106. Mr. COMBA (Secretariat) informed the Commission that the appointment of the group of experts envisaged in paragraph 20 of the draft resolution would have financial implications. The total cost of the group's activities was estimated at $46,400. As no expenditure had been included under that heading in the programme budget for 1998-1999, the Secretary-General would examine the possibility of financing their activities through extrabudgetary resources. If that were not possible, the necessary resources would be included in the programme budget implications statement to be submitted to the Economic and Social Council at its next session.

107. Draft resolution E/CN.4/1998/L.71, as orally amended, was adopted without a vote.

The meeting rose at 5.35 p.m.

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COMMISSION ON HUMAN RIGHTS

Fifty-fourth session

SUMMARY RECORD OF THE 53rd MEETING

Held at the Palais des Nations, Geneva,
on Monday 20 April 1998, at 10 a.m.

Chairman:	Mr. SELEBI	(South Africa)
later:	Mr. CHOWDHURY (Vice Chairman)	(Bangladesh)

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GE.98-12382 (E)

The meeting was called to order at 10 a.m.

RIGHTS OF THE CHILD, INCLUDING:

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(agenda item 20) (continued); (E/CN.4/1998/99, 100, 101 and Adds.1 and 2, 102, 103, and 119; E/CN.4/1998/NGO/2 and 38; CRC/C/66 and 69)

1. Mr. SHOAIB (International Peace Bureau) said that, while it was gratifying to note that a number of countries had taken effective measures and developed strategic policies to prevent the sale of children, child pornography and child prostitution, his organization was gravely concerned about the plight of children in India, where many children had been coerced into prostitution and where the practices of bonded and child labour continued to be widespread. Children were also suffering in the conflict areas of India, notably in Jammu and Kashmir. Independent monitoring groups had reported torture, arbitrary arrest and detention, molestation and rapes, not to mention the psychological trauma of the loss of parents in the conflict.

2. Ms. MEIJER (International Association for the Defence of Religious Liberty) said that thousands of children had been forced into prostitution in Thailand, the Philippines, Sri Lanka and India. Many children were trafficked from Nepal to India and there had been little effort on the part of either Government to punish those responsible. National information campaigns should be conducted in all those countries to warn families and young people about the horrors of child prostitution and the deceptions used to entice young people to leave home. Improved information sharing between law-enforcement agencies in countries sending and receiving tourists could help to monitor individuals with previous convictions for sex offences attempting to travel abroad. Governments should also re-examine the sentencing of child molesters and, upon the second conviction for a sex offence against a child, a mandatory life sentence should be imposed.

3. There were an estimated 100 million street children in the world. In countries such as Brazil and Guatemala, street children were regarded as vermin and murdered. That barbaric practice remained largely unchallenged by the law-enforcement services and the military police were implicated in a large number of such cases in Brazil. Governments must deal more severely with those who harmed street children and ensure that all crimes against them

were investigated thoroughly and that compensation due to their families was actually paid, while the Commission should appoint a special rapporteur on street children.

4. Ms. MACIAS (Federación de Asociaciones de Defensa y Promoción de los Derechos Humanos) said that the draft optional protocol to the Convention on the Rights of the Child should establish the broadest possible protection and be as specific as possible in defining the obligations of States in the area of the sale of children, child prostitution and child pornography. Such activities must be stigmatized as criminal, and included in the penal code with appropriate penalties, whether or not there was consent by the child. Mandatory jurisdiction and extradition must also be established.

5. The mandate of the working group should be extended to allow it to elaborate a procedure for monitoring compliance with the protocol, whereby the Committee on the Rights of the Child would be competent to examine communications from States parties concerning violations by another State of its obligations under the protocol and communications from alleged victims or their representatives.

6. Ms. INAYATULLAH (Family Planning Association of Pakistan) said she wished to draw the attention of the Commission to the myriad forms of abuse suffered by the children of Jammu and Kashmir at the hands of the Indian occupying forces, in violation of many articles of the Convention on the Rights of the Child, and urged it to call upon the Government of India to comply with the provisions of the Convention requiring the protection and care of children affected by armed conflict. It should provide rehabilitation programmes for victims of psycho-traumatic stress, special support for girls who had been victims of sexual violence and protection and care for disabled and orphaned children, establish "zones of peace" in which children could be provided with essential services and prepare a database on crimes against children through the International Committee of the Red Cross (ICRC).

7. Ms. GILLANI (World Muslim Congress) said that children were the most vulnerable segment of society in situations of armed conflict and suffered both as victims and survivors. The tragedy of the child was repeated, whether in Cambodia, Bosnia, Rwanda, Indian-occupied Jammu and Kashmir, Palestine or Somalia. In long-standing armed conflicts, a whole generation of children had grown up under the shadow of a gun. The primary responsibility for securing the rights of the child lay with the Commission, and the international community must act without any regard for political considerations to end crimes against children, as all children were equal victims of the crimes of violence.

8. Ms. RANDHAWA (Human Rights Advocates, Inc.) said that child trafficking had reached epidemic proportions. Over one million women and children were trafficked into prostitution each year, and sex tourism yielded an annual revenue of $5 billion. A common cause of child trafficking was the lack of economic resources and long-term economic development plans were needed to provide a lasting remedy. Meanwhile, inadequate enforcement, ranging from active involvement by police and government officials to assigning a low priority to the investigation of the traffic, was another common problem.

9. The adoption of an optional protocol to the Convention on the Rights of the Child would provide redress for individual complaints from victims and allow supervision of the States parties' implementation of anti-trafficking provisions. Pending the adoption of the draft protocol, the Commission should encourage coordination of the existing monitoring mechanisms and individual complaints should be channelled directly to the Special Rapporteur on violence against women and the Special Rapporteur on the sale of children, child prostitution and child pornography.

10. Mr. OTUNNU (Special Representative of the Secretary-General on the impact of armed conflict on children), introducing his interim report (E/CN.4/1998/119), said that what the international community was currently witnessing in the context of armed conflict was qualitatively new: a massive and purposeful targeting of the civilian population in all of the 30 or so major conflicts currently existing around the world. The United Nations had worked hard to elaborate an impressive body of instruments to protect the civilian population, but there was no relationship between those instruments and the situation on the ground. Moreover, in every single society in conflict, a local value system or ethical order had been undermined, leaving a moral vacuum. No theatre of conflict was isolated from the rest of the world, however, and all of them depended in some degree on the other members of the international community. There were thus pressure points that could be used to raise the political price of actions against the most vulnerable members of society.

11. Part of his major concern was the difficulty of conveying a complete and true picture of the magnitude of what was happening and of revealing the suffering of children in theatres of conflict that did not attract the attention of the international media. It was essential that the entire international community - Governments and civil society alike - make it its business to keep in its sights the full and complete picture of their suffering and act to remedy the situation.

12. He appealed to all those working on the draft optional protocol on the involvement of children in armed conflicts to achieve an early consensus so that the age-limit for recruitment for participation in warfare could be raised to 18 years of age. He also hoped that it would be possible, in the context of the future international criminal court, to declare that the recruitment for and participation in armed conflicts of children under the age of 15 constituted a war crime. It was necessary, however, to do more than elaborate standards and adopt conventions. There must be a determination at the level of both Governments and non-governmental organizations (NGOs) to translate words and resolutions into a practical impact on the ground that could make all the difference for children suffering in theatres of conflict.

13. Mr. BICUDO (Brazil) said that one of the questions which the Human Rights Commission of his country's Chamber of Deputies and the Parliamentary Front for the Rights of the Child were studying was that of establishing legal guarantees for the provision of food to children up to the age of seven years. The Parliamentary Front was also devoting increasing attention to child and adolescent labour. The Brazilian Constitution prohibited children from working under the age of 14 years and made night work, dangerous work and work that was harmful to health illegal for young people up to the age of 18 years.

14. Nevertheless, poverty forced some three million children and adolescents to undertake paid work to support themselves and their families. Most of them worked in the agricultural sector and in raw materials extraction, often informally and to help their parents. They also worked in small businesses and the service sector, and in some parts of industry. His Government was making an attempt to eradicate child labour, especially those forms which were most harmful to a child's development, on the basis of a strategy for creating economic alternatives for the children and their families.

15. The fact that child labour in the developing countries was due to poverty meant that it could not simply be eradicated by prohibition. Any attempts to do so would probably be ineffective and might well create even more serious social problems such as an increase in prostitution and the involvement of children in criminal activities. His Government's policy had already produced encouraging results: it involved guaranteeing a minimum allowance to families which undertook to withdraw their children from work and send them to school. Children had already been withdrawn in that way from coal mining and sugar-cane harvesting, and the programme was being extended to other agricultural activities. There was also an innovative programme involving school maintenance allowances to enable the poorest families to send their children to school rather than out to work or to beg in the streets.

16. He wished to draw the Commission's attention to the exploitation of child labour in advertising and the media. It was a recent phenomenon which affected children from both the developed and developing countries, often middle-class children. The Committee on the Rights of the Child should consider the matter because such employment, which seemed innocent enough, involved risks for the development of a child's personality and might be prejudicial to his or her health. One had only to think of the many hours that were required to shoot a television or cinema advertisement, and of the difficulty of fitting in normal schooling around the activities of a television studio.

17. Ms. JEŘÁBKOVÁ (Czech Republic) said it was regrettable that the international community has so far been unable to set a higher age limit for the protection under the Convention on the Rights of the Child of children taking part in armed conflict than 15. It was estimated that 250,000 children below the age of 18 were participating in more than 30 armed conflicts throughout the world and that children accounted for 40 per cent of all the victims of armed conflicts. Experience of armed conflict undoubtedly had a lasting impact on a child, whose physical and psychological wounds could never be fully healed.

18. It was thus most regrettable that, after four sessions, the working group on a draft optional protocol on the involvement of children in armed conflicts had failed to reach a consensus on the text and, in particular, on the crucial issue of the age limit for participation in armed conflicts. Any decision to set that limit below the age of 18 would discredit the efforts of the Commission and of the United Nations to protect the rights of the child effectively and her delegation appealed to those few Governments having difficulties with the text of the draft protocol to review their positions and, if possible, change their attitudes. International standards must be

taken as a model for the adjustment of domestic law and practice; adjusting international standards to the domestic law of any State was unacceptable.

19. Her delegation hoped that the text of the draft optional protocol would be approved during the Commission's fifty-fifth session, which would coincide with the tenth anniversary of the adoption of the Convention on the Rights of the Child.

20. Mr. HASSAN (Pakistan) said that his country had established a National Commission for Child Welfare and Development to implement the provisions of the Convention on the Rights of the Child and a District Based Monitoring System to ensure effective coordination of government policy initiatives and to base them on relevant data.

21. In the area of juvenile justice, Pakistan was concentrating on promoting the rehabilitation of juvenile offenders: every prison had a separate section for juvenile delinquents and a database was being created on children in detention. The National Commission was providing training for the judiciary and prison authorities and NGOs active in the area were encouraged to visit prisons to ensure that the highest standards were maintained.

22. There was no discrimination in the Pakistani Constitution between adults and children and no discrimination against children according to religion, language, economic status or disability status. Pakistani laws recognized the principle of upholding the child's best interests.

23. In the field of health and welfare, his Government had launched a number of programmes, including the Expanded Programme of Immunization, Control of Diarrhoeal Diseases, Training of Lady Health Workers and Traditional Birth Attendants. There were 49 special education centres at federal level, and the law established quotas for disabled persons in all organizations employing more than 100 people. The Prime Minister was President of the National Trust for the Disabled.

24. His Government was committed to the elimination of child labour by the year 2010. A survey had revealed that 3.3 million out of the 40 million children in Pakistan under the age of 15 were economically active, the vast majority in the agricultural sector. Adequate laws governing child labour existed which were in conformity with the voluntarily accepted obligations of the Convention on the Rights of the Child and ILO standards, and important advances had been made in their implementation: 35,000 inspections were carried out in the two years up to January 1997, resulting in more than 6,000 prosecutions and more than 1,300 convictions.

25. The major, perhaps the only, reason for the prevalence of the problem in many countries such as Pakistan was the existence of grinding poverty, and national efforts would yield limited results so long as the international environment was not conducive to the realization of the right to development. The commitment to protecting the rights of the child should find expression in support for fair and open trade, with special and preferential treatment for developing countries, prevention of the use of social goals for protectionist purposes, achievement of the targets for official development assistance (CODA) and debt relief, wider and easier access to advanced and relevant

technology to promote development, and the adoption of coherent global macroeconomic policies which did not marginalize the developing countries.

26. Mr. ARACHCHI (Sri Lanka) said that his Government provided children with free and compulsory education and free preventive health care and Sri Lankan infant, child and maternal mortality rates were among the lowest in the developing countries. Throughout the world, however, paucity of resources, conflict and terrorism were major obstacles impeding the realization of the rights of the child, and international cooperation was required to overcome them.

27. His delegation much appreciated the report of the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/1998/101) whose recommendations were most timely: the incidence of tourism-related child prostitution in Sri Lanka had been causing great concern to his Government and to the general public. Public information and awareness programmes had been implemented, and NGOs had contributed by identifying and assessing the problem and sensitizing the public to it. Legislation had recently been enacted to tighten the existing laws against offenders. In 1997, a Task Force on the Prevention of Child Abuse had been set up and was currently working with the National Institute of Education to draw up a programme for schoolchildren on their rights and on child abuse.

28. On its recommendation, his Government would soon be introducing a bill on the establishment of a child protection authority, which would be the first of its kind in the Asian region. The authority would be empowered to deal with the areas of strict law enforcement, counselling, therapy and rehabilitation as well as public-awareness programmes. Laws would be introduced to protect children from sexual exploitation and recruitment for military purposes by terrorist groups.

29. The protection of children from armed conflicts was an area of increasing concern to his Government. Terrorist attacks by the Liberation Tigers of Tamil Eelam had taken a heavy toll of children, some as young as 10 years of age, who had been forcibly recruited and brainwashed and used as combatants for terrorist attacks on civilians and suicide missions against the law-enforcement services. The involvement of children in armed conflicts was not inevitable but was the result of a heartless and calculated decision by terrorist groups pursuing self-serving objectives.

30. Early adoption of the draft optional protocol on the involvement of children in armed conflicts would be a significant step towards eliminating the grave injustice of plundering the world of its most precious resource, its children. His delegation welcomed the interim report by the Special Representative of the Secretary-General on the impact of armed conflict on children (E/CN.4/1998/119), and hoped that he would be able to develop tactical measures to save succeeding generations from the scourge of the kind of terrorism that bred child soldiers.

31. Mr. CHOWDHURY (Bangladesh) said that the best way to ensure and advance the long-term well-being of the child was through education, which would facilitate the child's effective participation in economic and social life. In Bangladesh, primary education was compulsory and free for boys and girls up

to the age of 10 years while education for girls was free for three more years also. Primary school enrolment had reached 92 per cent in 1995.

32. Increasing resources had been devoted to the primary health care network, including Extended Programme of Immunization (EPI) coverage in all villages, and the provision of safe water and sanitation. By 1997, more than 85 per cent of the children in Bangladesh had been brought under EPI coverage, resulting in a sharp decline in the infant mortality rate. The Government and civil society had been giving increased attention to protecting children from abandonment, neglect, economic exploitation, violence and other forms of abuse, especially urban children living in particularly difficult circumstances.

33. A new legal framework had been provided in 1995 for the prosecution of individuals for gross abuse of the rights of the child, and further stringent laws had just been introduced. Research was being conducted and information gathered on the sexual exploitation of children and child labour. The private sector had become a partner of the Government in efforts to reduce the child labour force: all 10,500 of the child labourers released from the garment industry in Bangladesh since the signing of a memorandum of understanding by the Bangladesh Garment Manufacturers and Exporters' Association had been brought into non-formal educational institutions with the provision of a stipend to compensate for their loss of earnings.

34. His delegation considered that only political will was needed to move to an agreed text for the draft optional protocol on the involvement of children in armed conflicts. It would continue to contribute to the work being done on the other draft optional protocol, that on the prevention of the sale of children, child prostitution and child pornography, with a view to finalizing a text at an early date.

35. Ms. ABU NAGMA (Sudan) said that the Sudan had been an early signatory to the Convention on the Rights of the Child and had submitted periodic reports on its compliance with the Convention prepared in consultation with all the entities representing civil society.

36. Legislation had been amended to reflect the concluding observations of the relevant treaty bodies. Article 15 of the draft constitution established State responsibility for youth welfare and article 28 granted children of different religious affiliation the right to be privately educated by their parents in accordance with their beliefs. Children under 18 years of age could not be conscripted for national or military service. Pregnant and nursing mothers were not subject to the death penalty.

37. Welfare centres under the supervision of alternative families, government agencies and NGOs had been established in many parts of the country to reunite delinquent juveniles and street children with their families. A subcommittee of the Advisory Council for Human Rights established the previous year to monitor violations of children's rights was cooperating with the United Nations Children's Fund (UNICEF) in extending assistance to street children. Charity organizations attended to the basic needs of orphan

children and made provision for adoption. Women prisoners with children were held in specially equipped rooms and received appropriate medical care and adequate food and clothing.

38. The Sudan was rated as one of the leading developing countries in the area of child immunization. Primary education was compulsory up to the eighth grade. Her Government had established a National Council for the enhancement of child medical, social and educational development and encouraged NGOs working in the field of child care.

39. Mr. MAJDI (Morocco) said that children accounted for a very large proportion of the population of Morocco and His Majesty King Hassan II took a personal interest in the promotion of children's rights and family values. He had declared 25 May to be National Children's Day and established the National Congress on Children's Rights to monitor implementation of the Convention on the Rights of the Child, raise funds for child welfare activities, establish a database on implementation of the Convention and the Plan of Action adopted at the World Summit for Children, and promote children's rights nationally, regionally and internationally.

40. Morocco had drawn up a national plan of action to address malnutrition, improve school enrolment rates, protect orphans and disabled children, reduce disparities between girls and boys, eradicate children's diseases and develop basic and preventive medicine, particularly through the development of mother and child care and family planning services.

41. It was essential to support the efforts of the working groups engaged in the elaboration of the two draft optional protocols to the Convention on the Rights of the Child so that differences could be ironed out and a generally acceptable compromise reached. Child labour, which was one of the most complex issues facing the international community, called for more vigorous international cooperation to rescue children from economic hardship and hence from the rigours of the labour market.

42. Mr. BADJI (Senegal) said that the Convention on the Rights of the Child and the Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children in the 1990s adopted by the World Summit for Children had established an ambitious but achievable programme for the enhancement of child welfare by the year 2000. The Commission had associated itself with that programme and had set up working groups to elaborate draft optional protocols to the Convention on the involvement of children in armed conflicts and on the prevention of the sale of children, child prostitution and child pornography. His Government, which unequivocally supported all United Nations human rights mechanisms, particularly those designed to protect children at risk, was very much in favour of those activities.

43. The Constitution of Senegal made the State responsible for providing educational facilities for children. The Penal Code provided for aggravated penalties against perpetrators of offences against minors. Special assistance measures could be ordered under the Code of Criminal Procedure on behalf of child offenders or children at moral risk. Under the Family Code, the

interests of the child were given priority in divorce cases. The Prison Administration was obliged to provide special accommodation for juvenile offenders.

44. Ms. SYAHRUDDIN (Indonesia) said that poverty, economic constraints and underdevelopment were some of the root causes impeding implementation of the Convention on the Rights of the Child. Efforts to alleviate poverty must be given more emphasis and special attention must be paid to health, nutrition and education policies, the improvement of family income and the creation of employment in the developing countries.

45. Indonesia's commitment to the realization of children's rights had deep-seated cultural and religious roots. A Law on Child Welfare had been adopted in 1974 and children's interests were explicitly addressed in many other laws, statutes and regulations. Children's Day had been celebrated annually since 1984 and a Decade of Development for Children had been launched in that year. Following the ratification of the Convention on the Rights of the Child, her Government had organized special training courses for policy-makers, civil servants, teachers, the police, journalists, community leaders and the Family Welfare Movement (housewives). It had identified 12 indicators of progress in areas ranging from birth and mortality rates to nutritional intake.

46. It was important to distinguish between exploitative and beneficial forms of child labour. Children working on family farms, in family-run businesses or in after-school part-time jobs could benefit from the experience and also contribute to their families' welfare. Elimination of that type of work was counterproductive. Forms of labour which prevented children from attending schools or placed them in hazardous conditions were exploitative, but in developing countries, where work was often a matter of survival, prohibition of child labour without providing realistic solutions to the problem was of little benefit. Her Government had recently introduced the International Programme for the Elimination of Child Labour, based on a Memorandum of Understanding with the International Labour Organization (ILO).

47. A nine-year compulsory education programme for children in the 7 to 15 age group had been introduced in 1995 and a minimum target of 90 per cent school enrolment had been set for the year 2003. Her Government had launched a national foster parent movement in May 1996 to encourage the better-off sectors of the population to contribute financially to the education of underprivileged children.

48. Her delegation attached great importance to the development of a draft optional protocol on the sale of children, child prostitution and child pornography, phenomena which were associated, on the one hand, with poverty and underdevelopment in developing countries and, on the other, with the degradation of morals and family values in some developed countries. More effective preventive action must be taken at the national and international levels to prevent any further escalation of those shameful practices.

49. Mr. KAPERA (Poland) having quoted the declaration made by his authorities on ratification of the Convention on the Rights of the Child to the effect that due respect would be accorded to parental authority in

accordance with Polish customs and tradition, said that the family was the basic guarantor of children's rights and the Convention itself required States to respect the rights and duties of parents, guardians and family members. With a view to providing the best possible conditions for the establishment and proper functioning of families, the State must implement pro-family policies.

50. Difficult material circumstances which undermined natural family bonds and prevented children from receiving proper care were conducive to such social evils as alcoholism, drug abuse, the sale of children and child prostitution. The mass media also fostered hedonistic and utilitarian attitudes towards other people, including children. Children deprived of a natural family environment through the death of parents or family dysfunction should be provided with an appropriate foster environment through simplified procedures.

51. Family rights were more than the mere sum of women's and children's rights and marital rights. Individual countries should enact rules and adopt policy guidelines protecting the family as a whole and the Commission should seek to incorporate the promotion and protection of family rights in the international human rights system. His delegation intended to put forward in the near future a proposal aimed at the development of an international instrument on family rights.

52. Mrs. de SOLÁ (Argentina) said that, on ratifying the Convention on the Rights of the Child, Argentina had made a declaration that the minimum age of 15 years for taking part in hostilities stipulated in the Convention was too low and that a general prohibition on the participation of children in armed conflicts, as provided for in Argentine domestic law, would have been preferable. She deeply regretted the delay in completing work on the draft optional protocol on the involvement of children in armed conflicts and trusted that the consultations by the Chairman of the working group would achieve positive results.

53. Progress had also been slow in the negotiations on a draft optional protocol on the prevention of the sale of children, child prostitution and child pornography despite the urgent need for action by the international community. Some delegations wished to limit the definition of the crime of sale of children to sales for the purpose of "sexual exploitation". Her own delegation advocated a broader definition that would penalize the sale of children for any purpose. The problem might be resolved by making a clear distinction in the text between situations in which a child was incorporated in a family and those in which the child was subjected to violence or abuse or sexual exploitation.

54. While she agreed with the Special Representative of the Secretary-General on children in armed conflict that the value of international instruments was limited to the extent to which they were applied and that words on paper could not save children in peril (E/CN.4/1998/119), she also believed that clear-cut legal norms must be established before the international community could embark on the arduous task of implementation. In that connection, she urged those States which had not yet ratified the Convention on the Rights of the Child to do so immediately.

55. Under Argentine law, the offences of deprivation, concealment or suppression of identity and other offences related to the sale of children were subject to aggravated penalties. Crimes of abduction of minors or suppression of identity that had occurred under the military regime between 1976 and 1983 were still liable to prosecution. Searches were still being conducted for children who had disappeared during that period.

56. Argentine law criminalized violence within the family. Protection under the social welfare system extended from conception to completion of elementary education for children and from the beginning of pregnancy to the end of the nursing period for women. Argentine economic growth in recent years had led to an increase in welfare spending that had enhanced all aspects of child welfare.

57. In December 1997, the three children of an Argentine citizen had been abducted to Jordan by her husband, a Guatemalan citizen of Jordanian origin, from their home in Guatemala City. The mother, who had been granted custody of the children, had had no contact with them since. The Argentine Government, whose own efforts to reunite the children with their mother had proved fruitless, was grateful to the High Commissioner for Human Rights for using her good offices to resolve the dispute.

58. Ms. HERNÁNDEZ QUESADA (Cuba), having urged the few remaining States that had not yet done so to ratify the Convention on the Rights of the Child, said that Cuba, as a State party to the Convention, had supported the efforts of the working groups on the draft optional protocols on the involvement of children in armed conflicts and on the prevention of the sale of children, child prostitution and child pornography. It was to be hoped that their work would be completed in time for the tenth anniversary of the Convention.

59. She drew attention, however, to what might be termed "double standards of concern". While most States wished to raise the Convention age limits in the case of the draft optional protocol on the involvement of children in armed conflicts, all developed States, in the case of the other draft optional protocol, referred to the sale of children only for purposes of sexual exploitation, although article 35 of the Convention required States parties to take measures to prevent the sale of children "for any purpose or in any form". Her delegation could not support a protocol that set lower standards than the main instrument.

60. Child poverty was by no means restricted to the poorest countries. The United States of America had the worst record in the industrialized world, with 20 per cent of its children living below the poverty line.

61. Children's welfare was a prime concern of her Government and people. Although poor and under a blockade, Cuba's record was one of the best among developing countries. Every person had free access to health services, 99.9 per cent of children were born in maternity hospitals, the infant mortality rate was 7.2 per 1,000 live births, there was access to free education at every level, teachers constituted one in 42 of the population - the highest ratio in the world - and 97.7 per cent of the children between 6 and 14 attended school.

62. Such achievements were all the more satisfactory for being attained with great difficulty. Cuban children had had no access to any medicine patented in the United States of America over the past 15 years, nor could medical equipment be imported if more than 20 per cent of its components were made in that country. The blockade had had a negative impact on the lives of Cuban children.

63. Throughout the world myriads of children died of hunger, violence and other avoidable ills. Over a million had been forced into the sex market, others were sold. Millions were forced to work to live or lived in the streets. Others were killed in armed conflicts. Not one of those fates was suffered by a Cuban child.

64. Mr. Chowdhury (Bangladesh), Vice-Chairman, took the Chair.

65. Ms. RYKOVA (Russian Federation) said that her Government, which had ratified the Convention on the Rights of the Child in 1990, looked forward to the early adoption of the draft optional protocol on the involvement of children in armed conflicts. It believed that the age limit for both conscripted and voluntary service in the armed forces should be set at 18.

66. Her delegation welcomed the conclusions and recommendations of the Special Rapporteur on the sale of children, child prostitution and child pornography and urged her to continue working closely with Governments, international organizations and NGOs. The Working Group on the same topic had managed to produce a first draft of an optional protocol at its fourth session, but there was still much detailed work to be done on the basic provisions and on reconciling existing differences in national legislation. Particular care should be taken to ensure that the provisions already contained in the Convention were not weakened. In that connection, she suggested that the protocol should be termed "additional" rather than "optional", which would correspond more closely to international legal practice.

67. Her Government was endeavouring to implement the Vienna Declaration and Programme of Action. During the 1990s, over 100 pieces of legislation had been adopted favouring children. New structures had been established and existing ones expanded. Special programmes had been set up at the federal, regional and local levels to deal with issues relating to children and the family. Of particular importance in that regard were the new Civil Code (1994), the Family Code (1995), the Criminal Code (1996) and the Code of Criminal Procedure (1997).

68. The principles of the Family Code were in line with the Convention's basic principles and provisions. One chapter established the right of children to live in a family, to have freedom of expression, to have property rights, to be protected in cases of improper treatment and, in the case of those without parents, to receive special protection.

69. There were still some deficiencies in Russian legislation relating to vagrant children, while further regulation of adoption procedures was also required. The implementation of legislation, particularly new legislation in

which implementation procedures had not been fully worked out, was also sometimes deficient, a situation that was exacerbated by a shortage of resources.

70. In 1993, her Government had introduced the practice of issuing yearly reports on the situation of children. From 1995 onwards, the social and economic situation of families with children had been monitored throughout the Russian Federation. The growing understanding in Russian society of the need for independent checks on the observance of children's rights was also effective in the implementation of the Convention. To that end the Ministry of Labour had, in cooperation with UNICEF, set up a number of experimental children's rights institutes. Various models would be tested in the course of 1998 and, on the basis of the results, the most appropriate institute would be established to cover the whole of the country.

71. In Russia, as in many other countries, children's rights were adversely affected by economic difficulties, deficiencies in the education and health infrastructure and a deterioration in morals, but Russian society traditionally attached importance to the cause of children. Her delegation believed that the question was not so much legal or political as a moral and humanitarian one.

72. Mr. BAEL (Philippines), having urged the States which had not yet ratified or acceded to the Convention on the Rights of the Child to do so, said that his delegation strongly supported the initiative for a new convention to eliminate the most intolerable forms of child labour, including bonded labour, prostitution and slavery. His Government had established institutional mechanisms to uphold children's rights and promote their well-being, including the Council for the Welfare of Children and the Child Rights Center of the Philippine Commission on Human Rights.

73. His delegation looked forward to an early adoption of the draft optional protocol on the involvement of children in armed conflicts. It believed that the minimum recruitment age for armed forces should be 18. It would continue to participate in the activities of the working group on that protocol and those of the working group on the draft optional protocol on the prevention of the sale of children, child prostitution and child pornography. It also supported the extension of the mandate of the Special Rapporteur on the latter subject.

74. The transnational dimension in the trafficking and commercial sexual exploitation of children was extremely serious and his Government had therefore sought to include it in the scope of the draft convention against transnational crimes and in the Manila Declaration on Transnational Crimes adopted on 25 March 1998 by the Asia-Pacific Ministerial Meeting on Transnational Crime.

75. Ms. ALTOLAGUIRRE (Guatemala) said that everything pertaining to children was of particular interest to her country, where the average age was 17. Guatemalan domestic law had long since incorporated the provisions of the Convention on the Rights of the Child, culminating in the entry into force on 27 March 1998 of the new Children's and Young People's Code.

76. Much of the population of Guatemala, a developing country with additional problems resulting from 36 years of internal armed conflict, lived in poverty and there was a direct link between the risk factors both within and outside the family and the extent of vulnerability of children to sexual exploitation. Her Government therefore attached special importance to the draft optional protocol on the prevention of sale of children, child prostitution and child pornography and urged the working group to complete its work as soon as possible. The suggestion by the Special Rapporteur that the phrase "child prostitution" should not be used and should be replaced by "sexual exploitation" merited careful consideration.

77. Education was a basic right of the child and could be one of the best ways of eliminating child labour. Access to free education for children from poor families improved the chance of breaking the vicious circle of poverty, ignorance and vulnerability; such factors should be taken into account in the consideration of the proposed convention on the elimination of the most intolerable forms of child labour.

78. The problem of "street children" was compounded by the plight of the children born to women of the street, who knew no other home. Governments and NGOs should come together to find global and lasting solutions to the problem. In her country, the Presidential Commission on Human Rights had continued its work with other governmental and non-governmental institutions to follow up 117 complaints of human rights violations against street children in 1997.

79. Welcoming the interim report of the Special Representative of the Secretary-General (E/CN.4/1998/119) and especially its paragraphs 24 to 29, she urged all States to sign, ratify and implement the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and Their Destruction. Her delegation fully supported the Special Representative's proposals for future activities and attached the utmost importance to the speedy adoption of the draft optional protocol on the involvement of children in armed conflicts.

80. Mr. Dae Jong YOO (Republic of Korea) said that his Government had frequently condemned sexual violence, particularly when directed against children, and he was therefore happy to announce that the Punishment of Sexual Crimes and Protection of Victims Act had been revised, providing for harsher punishment and allowing the Government to prosecute even in the absence of a complaint by the victim. A special Act on the punishment of domestic violence and an Act on the prevention and protection of the victims of domestic violence had been decreed in December 1997 and would enter into force in July 1998. His Government had recently amended the Labour Standards Act, raising the minimum age and prohibiting dangerous work by persons under 18 years of age.

81. Rampant individualism and the erosion of family cohesion had resulted in the marginalization of children's best interests. Families should therefore be given the necessary support to preserve the bonds of love and compassion. A long-term strategy to protect children was required, but priority areas must first be identified. There should be greater cooperation between the various

international organizations active in children's rights and NGOs, which had done much to make Governments aware of problem areas, should be given a stronger role.

82. Mr. HIATT (United States of America) said that not all child labour was harmful and the focus of the Commission's attention should be on the exploitation of children in jobs that prevented them from attending school or subjected them to hazardous or unhealthy conditions of work. The private sector had contributed to initiatives to halt abusive child labour practices in countries where large numbers of young children were forced to work. One such was the movement to create child-labour-free labels for the carpet, footwear, sports equipment and other industries. Such labelling initiatives, the best known of which was RUGMARK, were proving increasingly successful. A corresponding effort on the part of consumers was, however, crucial.

83. Business leaders and Governments had not always understood the importance of investing in children, but the evidence was crystal clear. Children's health and education was fundamental to a nation's growth. In his own country, an organization called Business for Social Responsibility, with a membership of 1,200 companies, sponsored on-site day care for employees' children, pre-school programmes, community service, family leave, etc. There were still, however, countries where primary school education was not mandatory or enforced, even though the link between education and national development was a fundamental lesson of the late twentieth century.

84. Poverty was the reason that families often gave for sending their young children off to work. The most tragic cases, however, those of children sold into bondage or even slavery, could never be excused for any reasons and the Commission should address the practice as a priority. His country's authorities were deeply engaged in the ILO International Programme for the Elimination of Child Labour. In 1997, they had donated US$ 3 million and it was hoped that the figure could, in the future, be raised to US$ 30 million.

85. The draft optional protocol on the involvement of children in armed conflicts should be brought to closure. The debate over whether 17 or 18 was the correct age for permitting young persons to enter military service missed the essential point, namely, that young children - aged 12 or less - should be protected from forced conscription.

86. Governments and businesses, working together, had the capacity to stop violence against children and give every child a fair start in life. A wise investment in the well-being of children was the most cost-effective investment any business or nation could make.

The meeting rose at 1.05 p.m.

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COMMISSION ON HUMAN RIGHTS

Fifty-fourth session

SUMMARY RECORD OF THE 54th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 20 April 1998, at 3 p.m.

Chairman:	Mr. SELEBI	(South Africa)
later:	Mr. GALLEGOS CHIRIBOGA	(Ecuador)
later:	Mr. HYNES	(Canada)

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THE QUESTION OF CONSCIENTIOUS OBJECTION TO MILITARY SERVICE

FOLLOW-UP TO THE WORLD CONFERENCE ON HUMAN RIGHTS

TRIBUTE TO THE MEMORY OF MR. EDUARDO UMAÑA MENDOZA, HUMAN RIGHTS DEFENDER

The meeting was called to order at 3 p.m.

STATEMENT BY MR. MIGUEL OYONO NDONG MIFUMU, FIRST DEPUTY PRIME MINISTER AND MINISTER FOR FOREIGN AFFAIRS AND INTERNATIONAL COOPERATION OF EQUATORIAL GUINEA

1. Mr. OYONO NDONG MIFUMU (Equatorial Guinea) expressed his Government's determination to continue cooperating with the Commission and the Office of the High Commissioner for Human Rights with a view to guaranteeing full respect for human rights in his country and throughout the world. As his Government had shown by maintaining open and frank relations with the Special Rapporteur of the Commission, it considered cooperation with the United Nations to be a way of strengthening the democratic process and educating the people on human rights matters. It had accepted the criticism levelled at it through democratic processes and would continue to take such measures as it deemed necessary in order to remedy observed shortcomings. Democracy must be constantly strengthened. For example, it was not sufficient to send a special rapporteur to Equatorial Guinea to improve the human rights situation there: the country's essential technical assistance needs must also be met. Equatorial Guinea came before the Commission not as a defendant, but as a State party to all the human rights conventions expecting to receive increased support from the United Nations for its action in defending human rights, as a State responsible to its people and not to other States whose political, economic and sociocultural interests were completely unrelated to its own situation and needs.

2. The current President's entry into office on 3 August 1979 had put an end to the bloodiest dictatorship Africa had ever known and paved the way for the exercise of human rights in his country. It was regrettable that some States were judged by the yardstick of foreign interests or according to whether they were liked or disliked. International peace and security were essential requirements for guaranteeing the enjoyment of human rights and civil liberties. Equatorial Guinea had acceded to the international human rights instruments in full sovereignty and for the good of its people. There was no institutionalized policy of human rights violation in the country. The Government opened inquiries into any violations in accordance with the law, endeavouring at the same time to combat impunity and establish a culture of human rights in order to eliminate, or at least mitigate, the colonial attitudes absorbed by the people during 200 years of colonization and 11 years of dictatorship. He hoped that the international community would support its efforts, despite the conspiracies and acts of terrorism which were leading the country to destabilization and violence.

3. Equatorial Guinea had been the victim of two attempts at armed destabilization in the previous 12 months, one in May 1997 by a group of mercenaries hired by obscure interests and the other on 21 January 1998 by a group of terrorists on the island of Bioko. All the people involved in those incidents were currently awaiting trial. They would be tried in public, and interested international observers were invited to attend. During the weeks following those unfortunate incidents, Equatorial Guinea had been the subject of a denunciation campaign by certain political circles and the press in a few countries, as well as NGOs such as Amnesty International, which had levelled groundless charges at the Government for alleged acts of genocide,

extrajudicial executions, massacres and destruction of villages. The Special Rapporteur having rejected those charges, the Government reiterated its invitation to Amnesty International and other NGOs to visit the country in order to assess the human rights situation on the spot. There was no justification for the terrorist acts committed on the island of Bioko, which had always been an integral part of the territory of Equatorial Guinea and had been placed under the same political administration as the rest of the country. The existence of different ethnic and cultural groups was an asset to the people of Equatorial Guinea. Like the rest of the country, those groups had been colonized and had all fought for independence.

4. The State of Equatorial Guinea was based on the principles of national unity, territorial integrity, peace and justice. Any claim that did not challenge those principles belonged in the national political debate. His Government requested that renewal of the Special Rapporteur's mandate should be viewed as a means of strengthening the activities of the Centre for Human Rights and the recently-established democracy in order to promote a human rights culture in Equatorial Guinea. He invited all nationals of Equatorial Guinea residing abroad allegedly for political reasons to participate in the democratic process under way, as there was nothing to prevent them from returning.

5. In conclusion, his Government asked both its friends and critics to provide Equatorial Guinea with the technical assistance it needed in order to consolidate and maintain the positive changes that had occurred in the country.

RIGHTS OF THE CHILD, INCLUDING:

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(agenda item 20) (continued) (E/CN.4/1998/99, 100, 101 and Add.1 and 2, 102, 103 and 119; E/CN.4/1998/NGO/2 and 38; CRC/C/66 and 69)

6. Ms. COLES (Australia) welcomed the fact that there were currently 191 States parties to the Convention on the Rights of the Child, and urged the small number of States which had not yet ratified the Convention to do so as soon as possible.

7. There remained the challenge of implementing the Convention at the national level. Australia had submitted its first periodic report to the Committee on the Rights of the Child in September 1997 and had been commended

by the Committee for its wide range of welfare services for children, its advanced education and health systems, and its commitment to international development assistance. It would give careful consideration to the Committee's suggestions and recommendations, which related to issues such as minimum age in respect of employment and the situation of indigenous children.

8. While national action was essential, strategies were needed at the regional and international levels for tackling problems of a cross-border nature such as trafficking in children, child sex tourism and child pornography. In 1997, Australia and the Philippines had concluded a memorandum of understanding to combat child sexual abuse and other serious crimes. Her Government also helped Governments in developing countries to tackle the sexual exploitation of children. At the national level, the Government was developing an agenda for action following the 1996 World Congress against Commercial Sexual Exploitation of Children. Her delegation hoped that the work on the draft optional protocol to the Convention on the sale of children, child prostitution and child pornography would result in an effective instrument; it would be pleased to participate in the proposed informal consultations to finalize the draft protocol at the following session of the Working Group.

9. She welcomed the fact that consultations were to be held on the draft optional protocol to the Convention on involvement of children in armed conflicts, and urged the Working Group to make every effort to complete the drafting of the protocol at its following session. On a related issue, Australia recognized the plight of child victims of anti-personnel landmines, and supported mine awareness and rehabilitation programmes focusing on school-age children in Afghanistan, Angola, Cambodia and Laos. It strongly supported international initiatives aimed at restricting and prohibiting the indiscriminate use of such mines, and welcomed the fact that the Protocol to the Convention on Certain Conventional Weapons banning anti-personnel landmines had been opened for signature in December 1997.

10. With regard to the problem of exploitative child labour, Australia hoped that the ILO would in 1999 adopt a new instrument on the most intolerable forms of child labour, which, together with developments in the area of codes of conduct, would provide for more effective action to speedily eliminate the worst forms of child labour.

11. Ms. AHLUWALIA (International Federation of Red Cross and Red Crescent Societies) said that she would focus on the issue of children affected by armed conflicts: children who were recruited as soldiers and physically and psychologically disabled, mutilated by landmines and separated from their families, children whose childhood had been stolen from them and whose future was affected by the consequences of their exposure to violence, children living in a culture of violence and committing acts of violence themselves. The Federation, working through its worldwide network of 175 societies to improve the situation of the most vulnerable, considered 18 to be the only acceptable minimum age for both recruitment into the armed forces and participation in armed conflicts, as recommended by the twenty-sixth International Conference of the Red Cross and Red Crescent.

12. According to the 1995 International Red Cross and Red Crescent Plan of Action on Children in Armed Conflict, any direct or indirect participation in armed conflict by children under the age of 18 should be prohibited, the minimum age for recruitment (voluntary or compulsory) should be 18, and the rules should apply to both government and non-government forces and to international and non-international conflicts. The Plan also called for protection and assistance to children affected by armed conflicts, including their rehabilitation and reintegration into civilian society. Many national Red Cross and Red Crescent societies, for example in Spain, Canada and the Baltic and Nordic countries, were undertaking national, regional and interregional advocacy initiatives to raise the awareness of Governments and the public.

13. While welcoming the efforts of the Working Group on a draft optional protocol on involvement of children in armed conflicts, the Federation was extremely disappointed at the lack of consensus on such an urgent issue and would continue to work actively to achieve consensus. It was also deeply concerned about other issues under item 20, and drew attention to the plight of children whose situation was adversely affected by economic sanctions.

14. Mgr. BERTELLO (Observer for the Holy See) said that problems relating to children were among the most urgent because childhood was an essential stage of life which all children - as human beings rather than miniature adults - were entitled to live to the full. The Convention on the Rights of the Child, which gave a complete picture of childhood, was a sign of hope for the future. Adults and everyone responsible for helping children to develop and forge their identities, beginning with the family, had a vital role to play in building around children the human and emotional structure that was essential to their full growth, and in helping to guide them through a constantly changing social environment that was subject to the influence of other sources of information and education.

15. The fact was, however, that there were children growing up in solitude because of psychological damage caused by tensions between their parents or family break-ups. Others were subjected to abuse and ill-treatment which had devastating effects on their development. There were children who were openly taught to despise, and even exterminate people who belonged to a different social, ethnic or religious group. Lastly, there were those who took part in armed conflicts. Was it surprising that such children grew up to become adults who saw violence as the only means of dealing with difficult situations? His delegation could only express its deep disappointment at the deadlock in the Working Group's efforts to establish a draft optional protocol on involvement of children in armed conflicts.

16. In helping to resolve the difficulties encountered by society in protecting and rearing children, the Catholic Church, through its network of educational and assistance activities, cooperated with the competent authorities in improving the lot of children, especially the most disadvantaged, who early in life suffered physically and emotionally, and in securing respect for their dignity, culture and human and religious development.

17. Mr. GARNJANA-GOONCHORN (Observer for Thailand) said that his country, which had been cited by the High Commissioner for Human Rights as one of the two countries in the world where the problem of trafficking in women and girls was the most serious, readily acknowledged the existence of the problem and was determined to confront it squarely. The sexual exploitation of children for commercial purposes (and the related problem of trafficking in women and children) was a universal and transnational problem which, in the form of sexual tourism, had grown alarmingly in the past decade and whose root causes - global demand and local supply - must be tackled simultaneously through close international cooperation. Thailand therefore welcomed the fact that many countries had adopted extraterritorial criminal legislation. For its part, it had subscribed to the Stockholm World Congress Declaration and Agenda for Action, and had adopted a national plan of action for the prevention and eradication of the commercial sexual exploitation of children. The revised Prostitution Prevention and Suppression Act had come into force in 1996. It was based on the new premise that prostitutes were in fact victims, and increased the penalties for brothel-owners, procurers, clients and even parents who colluded in sending a child into prostitution. The 1928 Traffic in Women and Girls Act had been updated to afford protection to boys. The Penal Code and the Criminal Procedure Code had been amended to make trafficking punishable in Thailand, no matter where the offence was committed.

18. The new Thai Constitution should also play an important role in shaping future domestic laws. Article 43 of the Constitution had raised the period of compulsory education from 9 to 12 years; school attendance and higher educational standards should help protect children at risk from trafficking. Article 53 further provided that it was the duty of the State to protect all children and juveniles from abuse.

19. At the regional level, his Government continued to foster close cooperation between countries in the Mekong region in combatting cross-border trafficking.

20. Those far-reaching legal reforms, the strengthening of law enforcement measures, the basic rights guaranteed in the Constitution, the intensified cooperation at the regional and international levels, and the active support of NGOs and civil society showed that his Government was taking determined action to combat the problem of trafficking in women and children and to eradicate child prostitution.

21. Ms. ASTRUP (Observer for Norway) said that because the Convention on the Rights of the Child dealt specifically with children's rights from a holistic approach, it was an extremely important working tool for combatting the abhorrent practices to which many children were subjected. Given the interdependence of all human rights, Norway believed that promotion of children's right to education would also have an effect on respect for the other rights of the child, and it strongly supported the appointment of a special rapporteur on the right to education. It also welcomed the implementation handbook for the Convention developed by UNICEF which should help States to intensify their efforts in that area, and noted the important role played by the NGOs, particularly in enabling children to participate constructively in society.

22. In October 1997, Norway had hosted an international conference on child labour which had culminated in an Agenda for Action stressing the importance of universal primary education. In the framework of development aid, her Government would set aside nearly $30 million over the following three years to combat child labour.

23. The use of children in armed conflicts was a very serious humanitarian problem affecting more than 200,000 children throughout the world. Her delegation emphasized the need to reach agreement on a draft optional protocol as soon as possible, and hoped that all Governments would support the work of the Special Representative on the impact of armed conflict on children. In that context, she expressed deep concern at the revolting incidents involving the kidnapping of children in northern Uganda, which showed how necessary it was to put children's interests first. She welcomed the adoption of the Protocol to the Convention on Certain Conventional Weapons banning anti-personnel landmines.

24. She sincerely hoped that the Working Group on the draft optional protocol on the sale of children, child prostitution and child pornography would be able to reach agreement on a text at its following session, and stressed the need for urgent measures to protect children from all forms of sexual abuse and exploitation. In that connection, she reiterated Norway's support for the important work of the Special Rapporteur on the question.

25. With a view to the tenth anniversary of the adoption of the Convention, she expressed the hope that those Member States which were not yet parties would seriously consider acceding to the Convention, and urged those States which had entered reservations contrary to the object and purpose of the Convention to withdraw them.

26. Mr. VIGNY (Observer for Switzerland) said that, despite the near universal ratification of the Convention on the Rights of the Child, some very general reservations weakened its provisions and even ran counter to its object and purpose in some cases. His Government invited Iran, Malaysia, Singapore, Saudi Arabia, Brunei Darussalam, Djibouti, Indonesia, Pakistan, Qatar and Syria, among others, to withdraw or amend their reservations.

27. Children's most elementary rights were flouted in armed conflicts. Switzerland, which had provided financial support for the activities of the Special Representative of the Secretary-General on the impact of armed conflicts on children, hoped that the administrative difficulties he was encountering would be promptly overcome. In that context, the international community had begun the preparation of a draft optional protocol to the Convention on involvement of children in armed conflicts. But the Working Group had not been able to reach a consensus on some essential points, and its work had concluded prematurely. Convinced that special protection should be afforded to children up to the age of 18 against all forms of recruitment and participation in hostilities, Switzerland was in favour of amending the procedure for reviewing the draft protocol; at the current stage, informal consultations were needed in order to pave the way for further negotiations.

28. Another cause for disappointment was the slow pace of progress on the preparation of a protocol to the Convention on the sale of children, child

prostitution and child pornography. As the sexual exploitation of children was a cross-border phenomenon, improving cooperation among States was essential, especially in combatting sexual tourism. Switzerland earnestly hoped that the protocol would be completed rapidly, in time for submission to the General Assembly on the tenth anniversary of the Convention.

29. A convention on measures to combat the most intolerable forms of child labour was due to be formulated at the following International Labour Conference. In view of its experience in the field of labour and its tripartite structure, ILO provided the most appropriate framework for the preparation of such an instrument. In preparing the text, however, care must be taken to avoid any conflict with the Convention on the Rights of the Child. In that connection, he noted with appreciation that the definition of the child in the ILO draft set the age of majority at 18, as stipulated in the Convention. However, as the ILO draft also dealt with child prostitution and child pornography, there was a risk that it would overlap with the future protocol on the subject: there, too, coordination was essential.

30. Mr. JAHROMI (Observer for the Islamic Republic of Iran) said that, to fulfil the commitments which it had accepted on acceding to the Convention on the Rights of the Child in early 1994, his country had set itself several objectives as part of its second five-year development plan. Regarding the right to education, measures had been taken to ensure that all children aged 6 to 10 attended school by the year 2000. The current school enrolment rate was 98.6 per cent, with girls accounting for 48 per cent of pupils. In fulfilment of its international obligations, the Government was currently providing for the education and health care of up to 106,000 Afghan and 25,000 Iraqi children. An organization had been established to provide services for physically and mentally disabled children. Its activities in 1996-1997 had covered a total of 64,000 people.

31. As the health issue was the basis for the future development of children, in a country where 46 per cent of the population was 18 or below, the Government's health policies focused on that age group. On that basis, his country had immunized 99.8 per cent of its children against polio, including all refugee children.

32. Given the essential role of legislation in establishing conditions conducive to children's physical, mental and psychological development, the authorities had recently enacted several laws, in particular establishing special courts to protect the family and amending article 1173 of the Civil Code with respect to child custody.

33. The implementation of the Convention was rooted in Iran's rich cultural background and religious beliefs, and some of the serious problems of many developed and developing countries (street children, sale and sexual exploitation of children) were rare or unheard of.

34. Mr. ISRAELI (Observer for Israel), reviewing the emergency services for abused children in his country, said that immediate short-term protection was provided by placing children with "shelter families", which kept them until the situation could be evaluated and a treatment plan devised. There were also six emergency centres for children, five serving the Jewish population

and one the Arab population. They took in children in need of immediate protection for up to three months and evaluated the situation of the child and the family in order to design a long-term treatment plan. Child protection teams operated in the emergency rooms of 26 general hospitals. Composed of a social worker, doctor and nurse, they instructed the hospital staff in dealing with cases of suspected abuse and neglect.

35. Several organizations had hotlines for children suffering from abuse. The Israeli Centre for Treatment of Child Sexual Abuse (MEITAL) provided victims and their families with specialized services and also treated adults who had been sexually abused as children. The Association for Protection of the Child (ELI) did similar work, offering therapeutic services for children who had suffered physical, emotional or sexual abuse.

36. Many government agencies and NGOs were active in raising awareness of child abuse. The child protection services of the Ministry of Labour and Social Affairs devoted great efforts to promoting awareness and enhancing the sensitivity of the public and professionals to signs of child neglect or abuse. The curricula of many schools and teaching colleges included courses or activities on prevention of abuse. The Prime Minister's Office had recently launched an extensive media campaign to raise awareness and prevent all forms of family violence. Child advocacy organizations, such as the National Council for the Child and ELI, devoted part of their efforts to educating the public about those issues, and community centres for culture, youth and sport offered courses for parents on how to raise children without violence. There were radio and television programmes about abused children and they showed how children could seek help.

37. Mr. Gallegos Chiriboga (Ecuador) took the Chair.

38. Ms. SANCHEZ REYES (Observer for Nicaragua) said it was regrettable that the working groups dealing with the rights of the child had not made more substantial progress; despite the large number of accessions to the Convention on the Rights of the Child, children's rights were still being violated on a huge and dramatic scale in all regions of the world. Nicaragua had ratified the Convention in 1990, and it had been vested with constitutional status in 1995. The National Commission for the Promotion and Defence of the Rights of the Child had been established in 1994 and had helped to prepare the Children's and Young People's Code in an effort to fill legislative and judicial gaps. On 22 March 1998, the legislature had adopted the Code, which paved the way for a new juridical culture with regard to children's rights by stipulating that the implementation of rules was a matter not only for the judicial system, but for all the country's inhabitants. The Code also introduced a juvenile justice system. In 1996, a law had been enacted to combat violence in the family, extending that concept to include psychological violence. In 1997, the Office of the Human Rights Procurator had been established; one of its divisions was the Office of the Children's Procurator.

39. The Nicaraguan authorities were also devoting their attention to the problem of child labour in an effort to combat its causes and eradicate it for good. In April 1997, the Office of the President of the Republic had issued a decree establishing the National Commission for the Progressive Elimination of

Child Labour and the Protection of Juvenile Workers. The new Labour Code contained an entire chapter on that question. That very day, the capital of Nicaragua was hosting the Global March against Child Labour.

40. As the country had been in a state of war for more than a decade, the fundamental rights of many Nicaraguan children had been violated; some were still suffering the effects of the conflict, such as anti-personnel mines, which still peppered the border areas. States should take a decision to frame an optional protocol on landmines.

41. Despite the country's economic difficulties, the Government was aware of the need to invest in its most important asset i.e. children. It devoted more than 37 per cent of the national budget to the social sector and allocated four times as many resources to education as to the army. Action in support of children had become a priority for Nicaraguan society.

42. Ms. GICHERU (Observer for Kenya) said that her country, which had been among the first to ratify the Convention on the Rights of the Child, was also preparing to ratify the African Charter on the Rights and Welfare of the Child. A comprehensive children's bill should be adopted by the end of June 1998. It would take precedence over all existing laws, whether cultural, religious or statutory, and would prohibit marriage of children below the age of 18.

43. Her delegation agreed with the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/1998/101/Add.1) that poverty and the breakdown of traditional family values were partly to blame for the moral disintegration of society, which had made children vulnerable to sexual exploitation. But it did not agree with the Special Rapporteur that families sent children out to earn money through prostitution as a result of traditional cultural practice. Factors such as rural exodus had led families to involve children in various kinds of work in order to supplement the family income, sometimes without supervision.

44. Her Government was deeply concerned about the growth of that problem and had taken a multi-faceted approach to combating it, creating an effective legal and administrative framework for doing so. A national policy was in the process of being adopted, to ensure that child labour issues were incorporated into government programmes and budgets. In the same vein, the future comprehensive bill on the rights of the child would ensure the allocation of financial resources for government-sponsored programmes aimed at the enforcement of children's rights. Work on a penal system for sexual exploitation of children and other child-related offences was also under way. She noted, however, that existing laws, while not comprehensive, did provide a basic framework for the punishment of those involved in the sexual exploitation of children.

45. Kenya welcomed the expanding role of ILO in the fight for the elimination of child labour and was grateful for the assistance of donors for projects implemented in Kenya, which included projects in the framework of the International Prevention and Elimination of Child Labour Programme (IPEC). During the period 1995-1997, over 20 programmes had been initiated with a view to the enactment of laws, policy support, capacity building, awareness-raising

and the promotion of networking. Programmes for the next biennium included support for street children by reintegrating them into formal and non-formal education, the creation of income-generating activities for the parents of child workers, including those involved in prostitution, counselling activities, health provision, and the establishment of rehabilitation centres and "peace houses". Other programmes aimed at setting up income-generating activities in schools. Those, coupled with the effort of the Ministry of Education to ensure compulsory free education for all children, would constitute incentives to parents to send their children to school.

46. Mr. Hynes (Canada) took the Chair.

47. Ms. TUHOV-AKOVA (Observer for Slovakia) said that her country was complying with the conclusions of the Stockholm World Congress and seeking ways to combat the exploitation of children through prostitution and pornography and all the other violations to which they were subjected. In that context, particular attention was given to children's needs for medical care and for psychological rehabilitation and social reintegration services. Education and prevention activities were also conducted in an effort to raise children's and families' awareness of the problem. As a result of the authorities vigilance, there were few cases of child prostitution or child pornography. At the international level, the Slovak police cooperated closely with foreign police forces, through the Slovak section of INTERPOL, in investigating such practices.

48. Her delegation welcomed the progress achieved by the Working Group on a draft optional protocol to the Convention on the sale of children, child prostitution and child pornography. There as no doubt that the protocol would enhance and clarify the Convention's provisions. In order for it to live up to expectations, a greater number of NGOs should be involved in its preparation.

49. Mr. KHAN (International Progress Organization) drew the Commission's attention to the rampant abuse of children's rights in some parts of south Asia, where terrorists and mercenaries were forcing children to join training camps and to serve as messengers and conduits for arms and explosives. A number of such children had been rescued and had narrated their traumatic experiences at the hands of those who, in the name of perverted ideologies, sought to turn them into instruments of death. Girls suffered even more in terms of violence and sexual exploitation. In Afghanistan and Kashmir, armed terrorists had forced many children to leave their homes and live in refugee camps. Many had seen their parents murdered.

50. The situation in the developing countries was certainly not encouraging. Every day the media showed pictures of maimed children, scantily-dressed begging girls dancing before leering audiences, and young children with guns and bombs in their hands. It was time to act, not only by drafting protocols but by forcing Governments to take substantive action on the ground.

51. Children throughout the world were subjected to daily abuse, facing a living death, while their murderers went about their lives with complete impunity. The international community must demand that Governments reform

their legal structures in order that citizens found guilty of abuse of children might be treated like the killers they were, for what they were killing was the future of mankind.

52. Ms. McCONNELL (Nord-Sud XXI) said that the embargo in Iraq continued to have serious effects on the lives of children. Such was the verdict of the statistics produced by the Economic and Social Council, which had recently condemned the embargo as contrary to the principles of the International Bill of Human Rights. According to figures published by the Iraqi Ministry of the Interior, infant mortality due to malnutrition had risen from 800 recorded cases in 1989 to 30,000 in 1997. The Appel Franco-Arabe Association had reported a dramatic increase in the occurrence of leukaemia and heart and lung diseases in children. Those conditions were usually treatable, but the shortage of medicines complicated the doctors' task.

53. In contravention of article 38 of the Convention on the Rights of the Child, Tamil children were regular victims of artillery shelling and indiscriminate aerial bombing by the Sri Lankan army in North-Eastern Province. The attacks were a recent variation on a sustained strategy of collective punishment directed against Tamil civilians, irrespective of gender or age, by the Sri Lankan authorities. In June 1990, the Government had imposed a food embargo, including food for children. Consequently, starvation among children was common.

54. Existing health services were grossly insufficient. In one district, for example, there were only 11 midwives for a population of 200,000. Children weakened by malnutrition were easy prey for malaria and typhoid, for which there was a shortage of medicines. Because the supply of antibiotics was severely restricted, infant mortality had risen sharply. Bombings had destroyed 20 per cent of schools, and the armed forces were occupying many of the remaining schools. According to the Ministry of Education, 120,000 children had no access to educational facilities.

55. At the checkpoints manned by the Sri Lankan armed forces, children had been arbitrarily arrested and many of them had disappeared. Arrested girls had been gang-raped by the Sri Lankan security forces; rape was routinely used as a weapon of war against Tamil girls and women. Tamil children in refugee camps were the most vulnerable to sexual abuse. Her organization urged the Commission on Human Rights to condemn the violations of the rights of Tamil children to health, education and life itself.

56. Lastly, the Sri Lankan Government had turned a blind eye to the sexual exploitation of Sinhalese children by sex tourists. The concern expressed in official circles was no more than a token gesture.

57. Mr. ACHOUR (Tunisian Education and Family Organization) said that his organization worked for the protection of children in the family, in school and throughout society. It organized cultural and recreational activities, took care of needy families and worked with children who had dropped out of school. All its members were volunteers.

58. In 1956, Tunisia had adopted a Personal Status Code, which made it unique in the region as far as protection of the rights of the family, women

and children was concerned. New reforms since then had strengthened those achievements. Family and child-related questions were national priorities. In 1991, Tunisia had ratified the Convention on the Rights of the Child. In 1995, it had established a Children's Protection Code, which guaranteed the child's right to an identity and respect for his or her privacy, health, a healthy environment, decent living conditions, education, and protection against all forms of exploitation, violence, physical, psychological or sexual ill-treatment, abandonment or neglect.

59. Together with its legislative efforts, Tunisia had set up protection mechanisms such as the children's protection officers, whose job was to attend to the difficulties which children might be encountering and help resolve them.

60. Some ambitious reforms had been undertaken in the area of education. A law enacted on 29 July 1991 had made education compulsory and free for all children up to the age of 16. The school enrolment rate for children aged 6 to 12 stood at 93.1 per cent. At the secondary level, girls accounted for 48 per cent of pupils enrolled.

61. Aware of the danger to human rights posed by selectivity, politicization and the absence of solidarity throughout the world and of their devastating effects on children, his organization appealed to all members of the international community to be guided solely by the interests of children in all their actions.

62. Mr. EIBNER (Christian Solidarity International) said that he would address the tragic situation of innumerable women and children caused by the revival of chattel slavery in the Sudan. According to evidence obtained by his organization during 11 fact-finding visits since 1995, the Popular Defence Force of the National Islamic Front (NIF) and the regular army continually abducted people and forced them into slavery. In recent years, many black young mothers and children from northern Bahr El Ghazal had been captured in raids; in February 1998, scores of children had been enslaved in raids near Aweil and Nyamlell. They were forced to work without pay and were beaten, starved, forcibly converted and raped; girls were subjected to genital mutilation. As indicated in the report of the Special Rapporteur on the situation of human rights in the Sudan (E/CN.4/1998/66), there were no signs that the Sudanese Government was taking any steps to abolish slavery.

63. Slavery, a crime against humanity, was being practised by the Khartoum regime on a massive scale. It was therefore surprising that the draft resolution on slavery contained no reference to past and contemporary slavery in the Sudan. His organization urged the Commission to rectify that omission and condemn NIF's role in the slave trade, and to mention that tragic problem in the resolution on the Sudan. It also urged the High Commissioner and the Secretary-General to lend their support to the establishment of a UNICEF-sponsored programme to locate and facilitate the return of slaves to their families, and the Security Council to enforce and intensify existing sanctions against the Sudanese slave State. It was time to end the jihad mentality, which included slavery, particularly of women and children as war booty, in the Sudan and elsewhere.

64. Ms. LEGRAND (Fraternité Notre-Dame) said that her organization, which considered children to be society's future, focused its work on helping children in distress. It introduced measures on a small scale, but hoped that States would take large-scale emergency measures to prevent the violation of children's rights. It made regular visits to imprisoned children, some of whom spent years awaiting trial while being treated as cattle. It established free education centres for orphaned or abandoned children, concerned at seeing destitute children in developing countries who were unable to meet their basic needs, forced to pay rich and powerful majority religious organizations a few pennies for an hour or two of elementary instruction. It took in disabled and sick children, primarily in Haiti and Africa, and tried to improve their physical, emotional and intellectual health. After a period in the organization's follow-up centres, the children gradually managed to eliminate the aggressive and violent feelings within them, which ultimately helped a country to maintain domestic peace. Her organization was also concerned at the deep-rooted discrimination against girls, who were not sent to school and were confined to housework. Children were too often the victims of a host of injustices, and some of them had no choice but prostitution or pornography to remain alive. It was disgraceful that a majority religious group in Mongolia could concern itself with building a house of worship while children were starving and freezing to death.

65. Ms. PEREZ (Brazil), speaking in exercise of the right of reply, said she regretted that the Jubilee Campaign, despite the ample information it had received through the Brazilian Embassy in London on measures taken by her Government and NGOs to protect and promote the rights of children, including measures to curb violence against street children and help them integrate into society, had chosen to present a distorted and exaggerated picture of the situation. The Jubilee Campaign also seemed to ignore the fact that recently-adopted legislation in Brazil had transferred to the civil courts competence to prosecute and try military policemen involved in homicides or torture of civilians. Moreover, the Chamber of Deputies had approved, and the Senate was considering, a bill that expanded the competence of the civil courts to prosecute crimes committed by military policemen.

66. The CHAIRMAN said that the Commission had thus concluded its consideration of agenda item 20.

THE QUESTION OF CONSCIENTIOUS OBJECTION TO MILITARY SERVICE (agenda item 22) (E/CN.4/1997/99)

67. Mr. Chak Mun SEE (Observer for Singapore) said that he strongly disagreed with draft resolution E/CN.4/1998/L.93, submitted by the delegation of Finland. National defence was a fundamental right under international law. Article 29 of the Universal Declaration of Human Rights and article 18 of the International Covenant on Civil and Political Rights recognized that the exercise of the rights and freedoms of the individual was subject to the limitations of ensuring public order and the general welfare of society. Where a State had established a compulsory military service system, allowing people not to perform military service compromised the principle of equality before the law. Whereas some States had chosen to establish a standing army, compulsory military service was the only way for small States to build up a credible national defence.

68. His delegation objected to paragraph 7 of the draft resolution, in which States were encouraged, subject to the circumstances of the individual case meeting the other requirements of the refugee definition as set out in the 1951 Convention relating to the Status of Refugees, to consider granting asylum to conscientious objectors compelled to leave their country of origin because they feared persecution owing to their refusal to perform military service and there was no, or no adequate, provision for conscientious objection to military service. That was tantamount to suggesting that deserters, too, should be given refugee status and thus United Nations protection, even in their homeland. He understood the logic in suggesting that a State should consider granting political asylum to those fleeing from participation in an internationally condemned war, but it was a different matter to grant refugee status to those who defied their national laws and refused to perform their national duty with respect to military service, even during peacetime.

69. Ms. PARES (Pax Romana) said that, despite Commission resolution 1995/83, a large number of countries still did not recognize the right to conscientious objection. Furthermore, in many countries which observed that right the laws enacted to regulate it were insufficient and unfair. For example, the alternative service legislation in Greece did not follow international guidelines such as the European Parliament resolutions. Spanish objectors were obliged to perform alternative service that was longer than military service. The draft resolution before the Commission reminded States of the recommendation that alternative service must be in the public interest. Such a vague concept, however, had led to problems in that many companies and associations used objectors as free labour, and thus contributed to unemployment. On the other hand, the non-fulfilment of services by objectors could lead to unduly harsh punishment.

70. Her organization drew the Commission's attention to the situation in two countries where the right to conscientious objection was not observed: the Sudan and Turkey. In the Sudan, the Government used unlawful means to force students and State employees to enlist in the armed forces. In May 1997, the Minister of Justice had decided that students who were admitted to universities would be compelled to spend 12 months in training camps before matriculating and that students who failed to matriculate would be conscripted for 18 months. Since September 1997, the Sudanese authorities had been moving students from the training camps to the war zone. The living conditions in the camps were so bad that the students called them "death camps". The Commission must urge States which had not yet done so to take the necessary measures to permit exercise of the right to conscientious objection.

71. Ms. BRETT (Friends World Committee for Consultation (Quakers)) said that, for more than 300 years, Quakers had refused to participate in war, believing that it was wrong to kill or train people to kill. It was on those grounds that they claimed the right to conscientious objection, which was a fundamental component of the right to freedom of thought, conscience and religion, as recognized by the Commission and the Human Rights Committee. She welcomed the fact that those bodies had recommended that individuals should be permitted to register as conscientious objectors at any point in time, before conscription, after call-up papers had been issued or during military service.

She also welcomed the concern expressed by the Human Rights Committee about the practice of calling up again conscientious objectors who had already been imprisoned for refusing to do military service.

72. However, many States had not yet translated the international standards into reality. A useful new tool in that regard was the World Survey of Conscription and Conscientious Objection to Military Service being undertaken by NGOs, which brought together documentation on relevant laws and regulations on a country-by-country basis. Her organization called for the immediate and unconditional release of all persons detained in violation of their right to register their conscientious objection to military service or to perform non-punitive alternative service of a purely civilian character, and called on the Commission to adopt by consensus the draft resolution on conscientious objection to military service.

73. Mr. MONOD (War Resisters International) drew the Commission's attention to the situation of Kosovar conscripts in the army of the Federal Republic of Yugoslavia who had chosen to flee the country; they were considered by that army to be deserters because they had refused to fight against their fellow citizens in Croatia and Bosnia. His organization demanded that the countries where they had found refuge should allow them to remain until the situation in Kosovo was clarified and peace returned. As similar situations were occurring in Turkey and other countries beset by civil war, those who refused to participate in military operations should be protected by an additional article to the resolution on conscientious objection, which would give enlisted soldiers the right to refuse to participate in a military operation of which they could not approve in conscience, as well as an article guaranteeing them refugee status in the countries to which they had fled.

74. He also drew the Commission's attention to the use made by warring countries of internationally prohibited weapons such as chemical weapons and anti-personnel mines. Conscripts who refused to use such weapons should also be protected by the resolution.

75. Violations of human rights were occurring in Paraguay and other Latin American countries, where young boys were arrested and forcibly enlisted in the army. He denounced the Sudanese practice of abducting young boys and forcibly enlisting them in the army, and the massacre in Khartoum of young recruits who had tried to escape from a military camp. His organization demanded an investigation of those dreadful acts.

76. Mr. KIRCHER (Latin American Federation of Associations of Relatives of Disappeared Detainees) said that, despite the existence of a favourable international legislative framework the right to conscientious objection was not yet fully respected in all States, as indicated in the Secretary-General's report (E/CN.4/1997/99). He was deeply concerned at the acts of repression and cruel and degrading treatment inflicted on people who registered their conscientious objection to military service, particularly soldiers in barracks. In Chile, it was reported that between July 1995 and 1997 at least 22 soldiers had died as a result of ill-treatment or accidents or had committed suicide during their military service. In most Latin American countries, military service was still compulsory and anyone who refused to serve was punished in accordance with the Code of Military Justice. The right

to conscientious objection must be recognized for everyone, laws must be enacted to enforce it, States must be required to provide young people with all the information they needed about conscientious objection and, in countries where it was not recognized, objectors must be tried by civilian courts. In such countries, furthermore, the sons of people who had been made to disappear or murdered by members of the security forces should be exempted from compulsory military service.

77. Ms. MUNSHI (International Institute of Peace) expressed her organization's appreciation for the report of the Secretary-General prepared pursuant to Commission resolution 1995/83. The issue of conscientious objection had been before the Commission since 1971; in the recent past there had been many instances where States had refused to accept conscientious objection to military service. During the Gulf war, the United States had failed to adhere to United Nations standards recognizing conscienticus objection as a basic human right. In some countries, members of minorities had been made to perform military service. Problems arose when soldiers from ethnic minority groups were deployed in their native regions. Such circumstances had led to soldiers deserting the Yugoslav army in 1991 and to the refusal of some Russian officers to fight against civilians in Chechnya in 1994. Far from encouraging disobedience, she considered such developments to be positive checks against the undiscerning use of force against political opponents.

78. The United Nations should continue to take an interest in the question of conscientious objection to military service and ensure that nations did not adopt a subjective approach. Her organization suggested that States should set the age of recruitment for military service at 20. Further, the State must recognize the citizen's right to conscientious objection for reasons of conscience or profound conviction arising from religious, ethical, moral, humanitarian or similar principles.

79. Ms. JEGEN (Pax Christi International) said that, as the question of military service primarily concerned young people and as young people were the chief victims of conflicts, it was understandable that an NGO concerned with youth had brought the issue of conscientious objection before the Commission. The right of conscientious objection as applied to soldiers in regular armies in conflicts between States was not available to the soldiers of irregular forces. In recent years, internal conflicts in which individuals were forced to join in the bloodshed decreed by the leaders of their communities in the name of ancient hatreds had reached such dread proportions that they had earned the term "genocidal", as in parts of Africa and eastern Europe.

80. It was for situations like the above that her organization urged the Commission to pass a broader, more concrete resolution on the right to refuse to kill. Such a resolution would help to make dissent from violent conflict more acceptable in communities where violence was customary. It would also serve as a reminder, in the year marking the fiftieth anniversary of the Universal Declaration of Human Rights, that there were human rights that were truly universal and inherent in ever, person, even an enemy, and would contribute to a transformation of human consciousness.

81. Ms. CRAS (Women's International League for Peace and Freedom) said that the Secretary-General's report on the question of conscientious objection to military service (E/CN.4/1997/99) gave a good picture of the implementation, and especially non-implementation, of that right. So far there were 69 States which had no conscription and 24 which provided for civilian or unarmed military alternative service. Yet it was in the interest of any society to prevent young men from being taught at an impressionable age to resort to violence and force.

82. In some countries, objection to military service was an offence which gave rise to severe punishment, especially in time of war. In countries where there were long-term states of emergency, conscientious objectors were even liable to the death penalty. That being the case, it was disappointing that no country had responded to the Secretary-General on the question of granting asylum to conscientious objectors whose lives were in danger. She requested the Secretary-General to include in his following report information on the measures taken by Governments with respect to persons who refused to pay taxes which were directed to military costs.

83. As a peace organization, the League denounced the concept of war as an institutionalized norm for which preparation was reasonable. The future depended upon building a culture of peace, which was based on recognition of conscientious objection to military service and on the release of prisoners of conscience. The possibility should be explored of allowing conscientious objectors to participate in United Nations peacekeeping and other humanitarian missions.

84. The CHAIRMAN said that the Commission had thus concluded its discussion of agenda item 22.

FOLLOW-UP TO THE WORLD CONFERENCE ON HUMAN RIGHTS (agenda item 21)
(E/CN.4/1998/45, 104 and Corr.1 and 2, and 122; E/CN.4/1998/NGO/68 and 92)

85. Ms. PEREZ (Brazil) said that the World Conference on Human Rights and its Declaration and Programme of Action had fostered progress in human rights and democracy in her country. The preparation process for the Conference had coincided with the attainment of democratic stability in Brazil, and provided an opportunity for all sectors of society to press for advancements in human rights policies and to participate in the preparatory process itself. In Vienna, the Brazilian Minister of Justice, the head of the Brazilian delegation, had met with national NGOs attending the Conference.

86. The Vienna Declaration and Programme of Action had provided the main source of inspiration when Brazil had designed its national programme of action on human rights, on the basis of broad consultations with NGOs, academic specialists and other representatives of civil society. Brazil had submitted its contribution to the report of the High Commissioner on the Five-year Review of the Implementation of the Vienna Declaration and Programme of Action, and it was clear that, although much remained to be done, significant progress had been made. The executive, legislative and judicial powers, together with civil society, were accountable for domestic observance of Brazil's international commitments. Implementation of the national programme of action on human rights was monitored by a group of independent

experts and by the human rights commission of the Federal Chamber of Deputies. The National Committee on the Rights of the Child, the Inter-Ministerial Working Group for the Promotion of the Black Population, the National Forum against Violence in Rural Areas and the National Forum for the Elimination of Child Labour used the programme of action as a yardstick for their activities.

87. As to the implementation of the Declaration and Programme of Action at the international level, Brazil acknowledged the efforts made by the High Commissioner to enhance coordination within the United Nations system for the promotion of democracy, development and human rights through international cooperation. Regrettably, although there was consensus on the need for global partnership, the resources allocated, especially for the developing countries, were still insufficient.

88. In conclusion, she recalled the suggestion, made by Brazil's National Secretary for Human Rights at the beginning of the session, that the Commission should produce a periodic report on human rights in all countries, without exception; its work might thus gain in impartiality and universality. The common yardstick of the report might be the implementation of the Vienna Declaration and Programme of Action, since, despite the differences in their commitments regarding the human rights instruments, virtually all States had participated in the adoption of the Vienna final document.

89. Mr. Gallegos Chiriboga (Ecuador) resumed the Chair.

90. Mr. WANG Min (China) said that the first five-year review of the implementation of the Vienna Declaration and Programme of Action, to be conducted by the Economic and Social Council and the General Assembly in 1998, would have a significant influence on human rights activities in the next century. Despite the many positive results achieved in implementing the Declaration and Programme of Action, in particular through dialogue and cooperation in the field of human rights, many difficulties remained.

91. To help overcome those difficulties, his delegation suggested that, first, the principles contained in the Declaration and Programme of Action should be reaffirmed and fully put into practice, and in particular that activities to promote and protect human rights should be carried out in accordance with the purposes and principles of the Charter of the United Nations and international law and with specific national and regional features in mind. Secondly, to enhance international cooperation in the field of human rights, countries should promote the settlement of differences through dialogue and cooperation on the basis of equality and mutual respect. Thirdly, the right to development and economic, social and cultural rights should be accorded the same importance as civil and political rights in all United Nations human rights activities. Fourthly, the working methods of the Commission should be reformed, and politicization and double standards rejected.

92. His Government supported the High Commissioner for Human Rights in her efforts to promote dialogue, cooperation, and the realization of the right to development and economic, social and cultural rights. Her visit to China in 1998 would further enhance mutual understanding and strengthen cooperation between China and the United Nations in the field of human rights.

93. Mr. MOLINA VALDIVIESO (Chile) said that the World Conference on Human Rights, in which a large number of Governments, intergovernmental organizations and NGOs had participated, had demonstrated the importance of international dialogue in the field of human rights for the new international order of the 1990s, shaped by progress in democracy. However, although some of the provisions of the Vienna Declaration and Programme of Action, such as the appointment of a United Nations High Commissioner for Human Rights, had been fully implemented, further efforts were needed in other areas. Chile hoped that the necessary critical analysis would be brought to the five-year review of the implementation of the Declaration and Programme of Action, including in the Economic and Social Council and the General Assembly.

94. Earlier in the session, the Deputy Minister for Foreign Affairs of Chile had had high praise for the work of the High Commissioner; that work should be given the support of the entire international community. Another encouraging development was the fact that the Commission had adopted the draft declaration on human rights defenders, which might soon be ratified by the General Assembly, perhaps on 10 December 1998, the fiftieth anniversary of the Universal Declaration. Other positive results were the near universal accession to the Convention on the Rights of the Child and the eradication of the abhorrent practice of apartheid. He also welcomed the progress achieved towards recognition of the identity of indigenous peoples, and hoped that the work on the draft United Nations declaration on the rights of indigenous people and on the permanent forum in the United Nations for indigenous people would shortly be concluded.

95. The international community must continue to strongly condemn the persecution of a number of minorities. To put an end to such practices, Chile hoped that the idea of establishing an international criminal court would rapidly be put into practice.

96. Lastly, it was important to continue strengthening the right to development as a fundamental right. Chile fully endorsed the principles of the universality, interdependence and indivisibility of all human rights. It reaffirmed its support for all treaty-related and other mechanisms which contributed to observance of human rights and fundamental freedoms and the ending of human rights violations; and it believed that the evaluation of the implementation of the Declaration and Programme of Action should include a reaffirmation of the importance of those mechanisms.

97. Ms. LEHMANN (Denmark) said that the High Commissioner's report should have been the first substantive item on the Commission's agenda, setting the tone for all the work of the session. Her delegation was encouraged to see that the Chairman held similar views about the future work of the Commission.

98. The High Commissioner had submitted a valuable document, but one that appeared to lack an overview of the dialogues she was conducting with Governments and the prospects those dialogues were affording for the improvement of the human rights situation in the countries concerned. Admittedly, the High Commissioner had not yet had the time to engage fully in such substantive dialogues with Governments, but the Danish delegation hoped that they would be a central feature of her activities in the years to come. It would also be helpful if, together with the report, a document was issued

indicating which countries had been visited by the Commission's special rapporteurs, working groups and special representatives, as well as those countries which, for whatever reason, had not been able to respond positively to a requested visit. Such information would help the Commission to function in a more focused and effective manner.

99. Denmark provided active support, financially and otherwise, for the High Commissioner's Office in the areas of field operations, the advisory services programme and the country offices. It hoped that, under the High Commissioner's influence, a more reasonable percentage of the United Nations regular budget would in future be allocated to human rights activities, corresponding to the importance attached to them by the world community and the recommendations of the World Conference. Governments' financial contributions must be consistent with their stated intentions.

100. Mr. STROHAL (Austria) said that, five years after the adoption of the Vienna Declaration and Programme of Action, the discussion of the follow-up to the World Conference on Human Rights, together with the fiftieth anniversary of the Universal Declaration of Human Rights, provided the framework for Human Rights Year (1998). As in previous years, his country, which had had the honour of hosting the World Conference, had circulated for observations a draft resolution on the item, and hoped that many States would co-sponsor it. The "Vienna+5 Review" would provide an opportunity for assessment and stocktaking of the progress achieved, as well as failures and shortcomings of Governments in living up to the commitments they had undertaken. It would also address the role of the United Nations system in contributing to better observance of human rights. In addition, it offered an opportunity to civil society worldwide to contribute actively to the review.

101. In the United Nations, the coordination segment of the 1998 session of the Economic and Social Council would be devoted to the follow-up to the Vienna Declaration and Programme of Action by the entire United Nations system. The progress made since the World Conference would be discussed by the General Assembly on the basis of a comprehensive report by the High Commissioner for Human Rights.

102. Austria was currently completing its national report on measures taken and progress achieved, and also shortcomings, in the implementation of the Declaration and Programme of Action. An inter-departmental working group had been asked to undertake a comprehensive review of Austrian legislation and practice in all spheres of government with regard to international human rights standards and the recommendations of the Declaration and Programme of Action. In addition, an Austrian National Committee for Human Rights Year (1998) had been established, composed of representatives of federal and provincial governments, political parties represented in Parliament, NGOs and the media. It conducted wide consultations in Austrian society, which was an active but also critical partner in the process: the NGOs had formed a national platform for Human Rights Year and undertaken many activities, in particular a critical review of the Government's performance in the follow-up to the World Conference.

103. As to the development of the United Nations human rights programme, his delegation was of the firm view that significant progress had been achieved

through the World Conference in two broad areas: the strengthening of human rights standards and the strengthening of the machinery for the protection and promotion of those standards. Regarding the first achievement, the Declaration and Programme of Action had reaffirmed the universality of human rights and clearly established that, regardless of historical, cultural and religious backgrounds, it was the duty of all States to promote and protect all human rights and fundamental freedoms. The indivisibility of all human rights - both in substantive terms and in terms of the beneficiaries - required that all human rights - civil, cultural, economic, political and social - were fully implemented. At its current session, the Commission had taken a number of important steps in that regard. Since the World Conference, the concept of the right to development had been sharpened, both through intergovernmental debate and through practical measures at the national level. In addition, the Declaration and Programme of Action had underlined the fact that indivisibility must also mean that human rights were guaranteed for all. That was particularly true of the rights of women: the World Conference, together with the Beijing Conference, had made an important contribution in placing women's rights in the mainstream of the human rights programme.

104. The World Conference had also initiated a number of measures to improve United Nations human rights machinery. The most important and visible outcome of the Conference had been the establishment of the post of High Commissioner for Human Rights. The High Commissioner was the leader and coordinator of all human rights activities within the United Nations system, engaged in dialogue with Governments on human rights issues, and was in charge of technical assistance and field missions. On the basis of that broad mandate, Mr. Ayala Lasso, followed by Ms. Robinson, had given stronger meaning to United Nations action in the field of human rights.

105. Since the World Conference, the emphasis of the Organization's human rights work had increasingly shifted from conference rooms to the field. That was particularly true of technical assistance: the World Conference had called for a comprehensive programme within the United Nations to assist States in building and strengthening national human rights structures and capacities. Since then, the technical assistance projects of the Office of the High Commissioner for Human Rights had increased substantially; other parts of the United Nations system were also actively involved in that area. The other major development had been the establishment of a human rights field presence in a number of countries.

106. Those new developments had led to a fundamental change concerning the place of human rights within the United Nations system. Five years after the World Conference, human rights were indeed one of the core activities of the United Nations; and whether peace, security or development cooperation was involved, the human rights dimension was increasingly integrated into overall United Nations policies and activities. The High Commissioner's report provided a good overview of those aspects.

107. There were also a number of areas where the international community had failed or where progress had so far been unsatisfactory. One such area concerned the shortcomings in translating international human rights standards into reality at the national level. In general, some progress had been made

towards the goal of universal ratification of the core human rights treaties, as set out in the Declaration and Programme of Action. However, progress was uneven - particularly concerning the Convention against Torture - and to some extent offset by States' tendency to enter general and far-reaching reservations. As agreed at the World Conference, that important issue should receive special attention during the "Vienna+5 Review". The real test for international human rights standards lay in their national implementation. Austria therefore hoped that all Governments would use 1998 to take additional measures to better implement their international human rights commitments.

108. In the current anniversary year, human rights continued to be violated in all parts of the world. Although some of those violations made the headlines, most, and the suffering they produced, went unnoticed. A number of Governments remained unacceptably unwilling to assume full responsibility and to take the necessary measures to bring such violations to an end or to accept the support and assistance of the international community.

109. The special procedures of the Commission played an important role in assisting countries to address human rights violations. The Declaration and Programme of Action called upon all States to cooperate fully with those procedures. The recommendation to strengthen the system of special procedures had so far remained largely unfulfilled. That inaction put the entire system of special procedures increasingly at risk, particularly in the light of the steady increase in mandates and activities. Furthermore, proper action had not yet been taken on the request of the World Conference for immediate steps to increase substantially the resources allocated to human rights within the United Nations regular budget.

110. His delegation looked forward to the results of national evaluations of the measures taken to live up to commitments made at the World Conference and to a fruitful "Vienna+5 Review".

TRIBUTE TO THE MEMORY OF MR. EDUARDO UMAÑA MENDOZA, HUMAN RIGHTS DEFENDER

111. The CHAIRMAN said that, four weeks after the Commission had adopted the report of the Working Group on a draft declaration on human rights defenders, one of those defenders, Mr. Eduardo Umaña Mendoza, who had been an active participant in several sessions of the Commission, had been murdered in Bogota on 18 April.

112. At the invitation of the Chairman, the members of the Commission observed a minute of silence in tribute to the memory of Mr. Eduardo Umaña Mendoza, human rights defender.

113. Mr. DIAZ URIBE (Observer for Colombia) said that his Government condemned the heinous murder of Eduardo Umaña Mendoza, a renowned lawyer and well-known defender of human and trade-union rights. That murder and other recent murders of human rights defenders and political leaders in Colombia reflected the brutality of those who rejected peace and respect for fundamental rights and international humanitarian law. It was no accident that Eduardo Umaña Mendoza and María Arango de Marroquín had been murdered and that other Colombians working for peace, within or outside the Government, had been threatened at the very time when the Colombian Government and the

National Liberation Army had announced the signing of letters of intent in preparation for an agreement based on international humanitarian law and forming part of the process followed by the International Commission of Inquiry, in accordance with the Additional Protocols to the 1949 Geneva Conventions.

114. The minute's silence in tribute to the memory of Mr. Eduardo Umaña Mendoza should also be observed in the name of other human rights defenders and political leaders murdered in Colombia.

115. Mr. SOTTAS (World Organization against Torture), also speaking on behalf of International Human Rights Service and a number of other NGOs, said that he was deeply dismayed at the abhorrent murder of Mr. Eduardo Umaña Mendoza. That eminent jurist, professor of criminal law, member of the Colombia Bar and member of the Executive Council of the World Organization against Torture from 1988 to 1994, had been actively involved in the cause of human rights since the 1970s. The many murders of indigenous, trade-union, agrarian and other leaders in Colombia had led Mr. Umaña Mendoza to publicly denounce the repressive mechanisms and groups within the Colombian security bodies, the army's responsibility in the dirty war, the role of certain civilian authorities in the repression, the role of the military courts in human rights violations, the responsibility of the prosecution services in persecuting social and trade-union organizations on the basis of false charges, the impunity enjoyed by certain leaders, etc. Mr. Umaña Mendoza had also defended many people prosecuted for political reasons and had investigated hundreds of enforced disappearances. His devoted action in support of human rights, dignity, justice and peace had earned him an international reputation. His murder pointed up the immense contradiction between the Colombian authorities' statements in international forums and the existence of a clear desire physically to eliminate human rights defenders. The heinous crime in question committed shortly after the statement by the Chairman of the Commission praising the supposed efforts of the Colombian authorities in the field of human rights, once again highlighted the actions of those who were trying to secure impunity for the perpetrators of crimes against humanity and to silence those who fought for truth, justice and dignity.

116. His organization and International Human Rights Service expressed their condolences to Mr. Umaña Mendoza's family. They urged the Colombian authorities to open an immediate inquiry into the murder, identify those responsible and punish them severely, and also to put an end to the activities of extermination groups, whatever their links with bodies or individuals in positions of authority. They called on the Commission strongly to condemn that crime and do everything in its power to enable the High Commissioner for Human Rights to open an inquiry into the case and provide a full account in her next report. In view of the high number of victims in Colombia, they urged the High Commissioner to take all necessary steps to enable her office in Colombia to intercede on behalf of human rights defenders.

The meeting rose at 6.10 p.m.

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COMMISSION ON HUMAN RIGHTS

Fifty-fourth session

SUMMARY RECORD OF THE 55th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 20 April 1998, at 6.10 p.m.

Chairman: Mr. GALLEGOS CHIRIBOGA (Ecuador)
(Vice-Chairman)

later: Mr. CHOWDHURY (Bangladesh)
(Vice-Chairman)

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GE.98-13538 (E)

In the absence of Mr. Selebi (South Africa)
Mr. Gallegos Chiriboga (Ecuador), Vice-Chairman
took the Chair

The meeting was called to order at 6.10 p.m.

FOLLOW-UP TO THE WORLD CONFERENCE ON HUMAN RIGHTS (agenda item 21)
(E/CN.4/1998/45, 104 and Corr. 1-2, and 122; E/CN.4/1998/NGO/68 and 92)

1. Mr. ERMAKOV (Russian Federation) said that the adoption of the Vienna Declaration and Programme of Action, in which 171 countries had participated, had reinforced the principles of the Universal Declaration adopted in 1948 by a comparatively small number of States. In spite of the steady progress achieved over the past five years in strengthening human rights, much remained to be done, and the current review was timely.

2. In the Russian Federation, the Declaration and Programme of Action had provided a stimulus and guide for the establishment of a sound legislative and judicial basis for the promotion of democratic values and human rights, including the adoption of a new democratic Constitution reinforcing civic rights and freedoms. The Federation had joined the Council of Europe and ratified the European Convention on Human Rights, and the conventions against torture and on the protection of the rights of national minorities. A moratorium was in force on the carrying-out of capital sentences, and legislation was being enacted on judicial and penal reform, equal rights for women, and the protection of vulnerable groups, such as national and religious minorities, indigenous peoples, and the physically disabled.

3. National institutes could make a valuable contribution to the development of a human rights culture, and it was essential that they should operate at both federal and regional levels throughout the country. In implementing the Vienna recommendations, it was essential that the principles of universality, the right to development and non-discrimination should be respected.

4. Support for democracy and the development of human rights must be achieved through a widening of international cooperation, which would entail a strengthening of coordination and the incorporation of human rights into all United Nations programmes. His Government supported the conclusion of the Vienna Conference that cooperation between States and international institutions should concentrate primarily on giving effect to existing international standards, leaving the adoption of additional standards till a the later phase. To that end technical cooperation programmes should be given priority and appropriate financing. His delegation also supported the preparation by the High Commissioner, acting in close cooperation with Governments, of proposals for the rationalization of United Nations human rights mechanisms with a view to increaed efficiency.

5. Mr. VASSYLENKO (Ukraine) said that the international community's commitment to the principle of the universality and indivisibility of human rights, reconfirmed at the World Conference, was fundamental to all its endeavours in that field. Human rights were an essential component of social, political and economic progress, and necessitated close cooperation between

States and international institutions. The elaboration of new standards was also important, including preventive programmes to ban the exploitation of ethnic factors for political purposes, protect the environment, guarantee the right to self-determination, and establish State responsibility for gross violations of human rights.

6. He agreed with the view expressed in the High Commissioner's report (E/CN.4/1998/104) that although the drafting of new legal rules was a time-consuming process, every effort should be made to carry it forward with the greatest possible dispatch. A strong advisory services and technical cooperation programme could make a major contribution to national capacity-building, and his delegation looked forward to the results of the High Commissioner's analysis of existing United Nations technical assistance mechanisms and proposals for improving coordination. In particular, human rights programmes should be more closely integrated with those relating to development, population, criminal jurisdiction and education, and special emphasis should be placed on the implementation of joint projects. Ukraine had requested assistance under the High Commissioner's technical cooperation programme and looked forward to working closely with it.

7. A wide gap remained between aspirations and achievements in a world in which torture was still practised, more than a billion people lived in poverty, children were viciously exploited, and the needs of the elderly neglected. Those situations clearly required the most diligent attention of both Governments and international institutions, and it was regrettable that overburdened United Nations bodies, unable to pay sufficient attention to particular features affecting individual States, sometimes asked stock questions and made stock assessments. He confirmed his Government's commitment to active cooperation with the United Nations system in the protection and promotion of human rights.

8. Mr. CHOWDHURY (Bangladesh) said that the Universal Declaration had inspired the drafting of his country's Constitution and was the fountainhead of most of its legislation. Bangladesh was a democratic and pluralistic country, fully guaranteeing civil and political rights, but it saw them as linked to the search for social harmony and economic development. Accordingly, it applauded the Vienna Declaration and Programme of Action, which recognized the universality, indivisibility, interdependence and interrelatedness of all human rights, including the right to development.

9. Since the Commissions's previous session, his Government had decided to set up a national human rights institution and to appoint a national ombudsman. Village courts were also to be established in order to ensure easy access to justice for the common people. A law commission had been set up to consider the ratification of various international instruments, and recommendations by a working group on accession to six of them were under active consideration. Reservations to articles 13 (a) and 16 (1.f) of the Convention on the Elimination of All Forms of Discrimination against Women had been withdrawn, and reservations to other instruments were under review.

10. His delegation welcomed the Commission's decision to provide for a special discussion of gender issues. In Bangladesh the participation of women in socio-economic life was being facilitated through such innovative

mechanisms as "micro-credit". Following the historic peace accord of 2 December 1997, the decades-old dispute with the tribal minorities in the south-eastern Hill Districts had found a satisfactory conclusion. New legislation made provision for a "regional council" to supervise general administration and development in the Hill Districts and amend local legislation. In order to raise community awareness of human rights, a special programme was planned, in which the implementation of the Plan of Action of the United Nations Human Rights Decade (1995-2004) would be given a prominent place.

11. Mr. HASSAN (Pakistan) said that the adoption of the Vienna Declaration and Programme of Action, and the establishment of the Office of High Commissioner for Human Rights were significant developments in the promotion and protection of human rights. The most shocking violations often took place in the course of armed conflicts and foreign occupation, which the United Nations must seek to prevent by arbitration and other forms of peace promotion. The High Commissioner's Office should establish a special cell to deal with violations in areas under foreign occupation, to which specific sections of the reports of working groups and special rapporteurs should also be devoted.

12. No agreement had been reached at Vienna on the streamlining and strengthening of existing human rights machinery, but what was certainly required was a strengthening of the mechanisms for eliminating the root causes of human rights violations, wider recognition of the concept of individual responsibility, and an enhanced role for NGOs.

13. An alarming trend was emerging in the international community of concentrating attention upon the defence of civil and political rights, leaving advocacy of the right to development to the representatives of developing countries. Now that that right had at last been accepted, the challenge was to specify and implement the duties and entitlements that flowed from it. While the International Covenant on Economic, Social and Cultural Rights clearly recognized the right "to an adequate standard of living" and the 1986 Declaration on the Right to Development recognized collective responsibility for development, there remained hundreds of millions of poor people around the globe who had no hope of an improvement in their standards of living. Powerful States in a position to break the vicious circle of poverty must not shirk their responsibilities. His delegation continued to believe that a special rapporteur on the right to development could make a valuable contribution.

14. The Declaration and Plan of Action related not only to the international community and national authorities, but also to civil society. In particular, the adoption of the draft declaration on human rights defenders at the Commission's current session in response to the call by the Vienna Declaration was a reaffirmation of the important role of civil society in the promotion and protection of human rights. Pakistan had a long-established, strong and articulate human rights movement, with some 10,000 associated NGOs.

15. Mr. MORJANE (Tunisia) said that Tunisia's contribution to the implementation of the Vienna Declaration was a comprehensive, multidimensional approach to development, including measures to give practical effect to the

right to education in general, human rights education, promotion of the rights of the child and consolidation of the basic rights of women. Among the numerous reforms inspired by the Vienna Declaration was action to achieve overall and sustainable development based on the conviction that political rights could not be strengthened without satisfaction of economic and social needs.

16. Tunisia's development strategy had enabled it to raise the standard of living of its citizens by means of the widest possible distribution of the fruits of growth and a series of measures to improve the social environment. One of the most important had been the establishment, on the initiative of the Head of State, of the National Solidarity Fund, financed by voluntary contributions by citizens, enterprises and State grants. The Fund had substantially raised the standard of living in underprivileged areas by ensuring dignified living conditions. Its success had encouraged the authorities to set up a Tunisian Solidarity Bank to make credit available to people not eligible under traditional financing conditions.

17. Additional measures had also been taken in support of women, the family, children, migrant workers, the disabled and the elderly. Another major reform had been the introduction of human rights teaching at all levels of the educational system; chairs of human rights had been established in Tunisian universities, integrated with courses in the higher institutes for the magistrature and training schools for law enforcement officials. On 3 April 1996, a National Commission on Human Rights Education had also been established.

18. The deterioration in the world economic and social situation had been accompanied by increasing conflict, extremism, fanaticism and terrorism, which threatened national and international security and represented a major obstacle to the full realization of human rights. The international community must respond by renewing the Vienna consensus on the necessity of giving equal importance to individual and collective rights, and to economic, social and cultural rights.

19. Mr. Chowdhury (Bangladesh), Vice-Chairman, took the Chair.

20. Mr. SCHAEFER (Germany) said that, as part of its national follow-up to the Vienna Declaration and Programme of Action, Germany had submitted a report mainly concerned with the incorporation of the Vienna recommendations, particularly on the right to development, into German development cooperation. The report emphasized that that landmark document was more than a compendium of recommendations; it consolidated the foundation laid by the Universal Declaration for the promotion of human rights. Although a heightened international awareness of human rights had prepared the way for the Vienna consensus, a regrettable degree of resistance still persisted, and Germany looked to the forthcoming World Conference on Racism for the achievement of further advances.

21. In order to counter the tragic increase in human rights violations triggered by internal conflicts, preventive diplomacy must be strengthened, and his Government welcomed the growing recognition that the operational capabilities of the High Commissioner needed to be strengthened. The share of

human rights in the regular United Nations budget must also be brought into line with the declared priority of those activities within the United Nations system; his Government had added its voice to the European Union's advocacy of that course. The administrative reforms set in motion in Geneva were creating the preconditions for greater coordination and operational efficiency in the human rights field. The current session of the Commission had again shown that the potential for constructive dialogue was far from exhausted, and Germany would continue to seek new areas for such dialogue. His delegation welcomed the decision (1998/208) by the Economic and Social Council to devote the coordination segment of its forthcoming substantive session to the follow-up and implementation of the Vienna Declaration and Programme of Action.

22. Mr. ZAHRAN (Observer for Egypt) said that the High Commissioner's first report made the very important point that the universality of human rights did not mean that there was only one model of social, political or legal organization. It set the standard for an emerging era in which communication and collaboration between States and peoples would determine their prosperity and indeed survival. His delegation also endorsed the High Commissioner's reiteration of the importance of the right to development and the emphasis she laid on the interrelation between sustainable economic and social development and the achievement of civil and political rights. Technical cooperation in the field of human rights was one of the main instruments for their protection and promotion. The advisory services were making a major contribution to developing and sustaining respect for human rights, and to the move away from confrontation to cooperation and dialogue. It was therefore essential: that technical assistance should not be linked to political preconditions; that advisory services should be funded from the ordinary budget; and that, although playing a welcome and valuable role, the voluntary fund should not be made an alternative to pledged country contributions to the ordinary budget.

23. Ms. WISZBERG (Human Rights Internet) said that, in celebration of the fiftieth anniversary of the Universal Declaration and as part of the follow-up to the Vienna Conference, her organization had joined some 30 major international and regional NGOs in organizing a consultation in Ottawa in late June. The results would be presented to the July session of the Economic and Social Council and to the autumn session of the General Assembly.

24. Mr. MENDEZ (Commission for the Defence of Human Rights in Central America) said that while major advances had been made at the international level in the defence of the rights of women, the same could not be said for the internal legislation of countries or for the quality of women's daily lives. In spite of the commitment of States in the Beijing World Plan of Action to intensify efforts to achieve the targets of the Nairobi Strategies for the Advancement of Women, they continued to live in an androcentric culture that perpetuated gender violence. The injustices and violence suffered by women were considered "specific" and therefore not violations of human rights in general.

25. One of the many obstacles to women's full enjoyment of a dignified life was the perpetuation of myths, laws, rituals and attitudes which consigned women to an inferior status and sought to justify violence. One way of righting that situation would be to adopt national and international laws

safeguarding the human rights of women, and recognizing the fact that gender violence was not only intrafamiliar, but affected women in all departments of their lives. Her organization supported the adoption of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, and called on the Commission to urge States to give effect to the various agreements adopted at world summits, especially the Beijing Agreements.

26. Mr. LITTMAN (Association for World Education), speaking also on behalf of Christian Solidarity International, said that, as the Greek historian Thucydides had pointed out, the basis of humanitarian law was reciprocity. In the light of the wholesale massacres and acts of ethnic, religious and tribal vengeance being perpetrated on many continents, it was obvious that mankind had still not learned that lesson. He drew attention to the reference, in paragraph 23 of the High Commissioner's note on the May meeting of special rapporteurs and other officials concerned with human rights (E/CN.4/1998/45) to Commission decision 1997/125, taken without a vote, which expressed indignation at a reference to Islam and the Holy Koran in the report by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and requested the Rapporteur to take corrective action. His Association wished to express the strongest opposition to the curtailment of freedom of expression in the United Nations by self-censorship resulting from doctrinal accusations. The Commission decision set a dangerous precedent, and was one more manifestation of creeping "cultural relativism". He hoped that at coming meetings of the type reported on in the High Commissioner's note firm action would be taken to halt that trend.

27. Turning to incitement to genocide, he said that his organization had repeatedly urged the application of the 1948 Genocide Convention, which declared that not only should genocide be punished, but also conspiracy to commit genocide, and direct and public incitement to genocide. He therefore welcomed draft resolution E/CN.4/1998/L.14 stressing the need for universal ratification of the Convention, which should, however, include: strong condemnation of any direct or public incitement to commit genocide, or of any call to kill in the name of God or religion; recommendations that any State party to the Genocide Convention aware of such incitement should invoke article VIII, and that the World Criminal Court should be given authority to act; and an expression of the view that the competent organs of the United Nations should condemn any public incitement to genocide.

28. Mr. FAROOQ (World Muslim Congress) said his organization agreed with the High Commissioner's view that too many serious human rights violations continued to occur every day for the international community to feel satisfied with the progress achieved in the implementation of the Vienna Declaration and Programme of Action. The follow-up exercise should focus on methods of strengthening existing human rights mechanisms for effective intervention, and he fully shared the High Commissioner's concern that women and a disproportionate number of minors constituted the overwhelming majority of victims of violence and conflicts.

29. The Commission should give special attention to situations where the rule of law did not exist or had been suspended, as in armed conflicts. On

most occasions, the international community had reacted too late and had then done too little, as in the case of Bosnia, Cambodia and Rwanda, and recently crisis point had been reached in Kosovo too. Another situation calling for international action was that of Indian-occupied Jammu and Kashmir, where extrajudicial killings and other grave violations of human rights, including the rape and molestation of women and minors, and the destruction of buildings and institutions were daily occurrences. In that case, the occupation forces had been given impunity under special legislation enacted by the Indian Government. Adoption of declarations and ratification of treaties could not achieve the desired objectives unless there were effective implementation mechanisms.

30. Mr. MORA (Center for European Studies) expressed regret that the five-year review was being conducted without prior regional evaluations. There was, however, still time for Governments, NGOs and international organizations to submit proposals based on their own experiences. In order to give full effect to the principles of universality, indivisibility and interdependence of human rights, there must be evaluation of the fulfilment by Governments of their duty to allocate increasing resources to guaranteeing and promoting the enjoyment of economic, social and cultural rights.

31. The problems arising from the indebtedness of developing countries, and the impact of adjustment policies imposed by IMF, the World Bank and other international financial institutions had not received proper consideration. The undertaking of the developed countries to allocate 0.7 per cent of their GNP to development aid had not been honoured, and the amount currently contributed amounted to a mere 0.3 per cent.

32. Progress must also be made in the strengthening of the Centre for Human Rights and the Office of the High Commissioner, and there should be more equitable geographical representation of the African, Asian and Latin American regions in the Centre and in the appointment of thematic rapporteurs. NGOs should be given fuller participation in both United Nations and national human rights mechanisms; and cooperation should be increased with the mechanisms created under major human rights conventions and established by successive human rights summit meetings. It was also necessary to reaffirm the principles of non-selectivity and non-manipulation of United Nations protection and promotion mechanisms.

33. Mr. PARY (Indian Movement "Tupaj Amaru") said that the celebration of the fiftieth anniversary of the Universal Declaration and the fifth anniversary of the Vienna Declaration and Programme of Action must not be reduced to empty rhetoric but must find its expression in the practical application and effective ratification of all human rights instruments, and the strengthening of protective mechanisms.

34. With regard to the rights and freedoms of indigenous peoples, the Vienna Conference had urged States to give priority consideration to several matters of crucial importance for indigenous survival. It had asked the Sub-Commission's Working Group on Indigenous Populations to complete as promptly as possible the elaboration of the draft declaration on the rights of indigenous peoples, but some States were still delaying the process and endeavouring to dilute the draft provisions. In spite of the recognition by

the Conference of the intrinsic dignity and incomparable contribution of indigenous peoples to the progress of civilizations, their cultural heritage was being exposed to the ravages of time and modern technology, and threatened with irreparable loss by pillage and illicit traffic in their cultural and artistic treasures. He welcomed the study by Mrs. Daes of principles and guidelines in the preservation of the indigenous cultural heritage, which deserved to be given the seal of the Commission's approval through the adoption of a draft resolution.

35. Ms. MACIAS (Federation of Associations for the Defence and Promotion of Human Rights) said that impunity, with its implicit condonation of the crime committed, was an essential ingredient in flagrant violations of human rights, and her organization welcomed the recognition of the importance of the struggle against it in paragraph 91 of the second part of the Vienna Declaration and Programme of Action. For that reason she also welcomed the current hearings in the Spanish High Court on the disappearance of Spaniards during the military dictatorships in Argentina and Chile, and the similar proceedings in Italy and elsewhere. A favourable outcome to those cases would contribute to the struggle against impunity by underscoring the existence of a universal penal jurisdiction. It was therefore particularly regrettable that such proceedings were constantly hindered by the Governments concerned, and she appealed to the delegations of Chile and Argentina to use their good offices in support of the hearings. She urged the Commission itself, to support the competence of the national courts to try cases where crimes against humanity had occurred in other countries.

36. As to criminal assaults against human rights defenders, the legitimate participation of NGOs and their members in the human rights sphere was recognized by paragraph 38 of the first part of the Declaration and Programme of Action, which affirmed their right to protection under national laws. Contrary to those guarantees, human rights defender Eduardo Umaña Mendoza had recently been murdered in Colombia, as had a number of his colleagues. The 11-year-old son of Luis Guillermo Perez Casas, a practising lawyer and deputy secretary-general of an international human rights organization, had been the object of telephone threats in Brussels, having been previously forced to leave Colombia in the face of similar threats. She urged the Commission to remind the Colombian Government of its duty to take effective measures for the protection of human rights defenders, and to prosecute paramilitary groups and any officials or agents involved in human rights violations in association with them.

37. Mr. KIRCHER (Latin American Federation of Associations of Relatives of Disappeared Detainees) said the most disappointing feature to emerge from a review of the objectives of the Declaration and Programme of Action was the number of Governments seeking to suppress knowledge of the human rights situation in their countries or to minimize its gravity. The only valid measure of progress was a reduction in the number of victims of State crimes, which could only be achieved by political and regulatory decisions on prevention, the punishment of those responsible for outrages, and guarantees for victims' rights to truth, justice and reparation.

38. Regrettably, nothing had been done to prevent the repetition of such crimes, as in the case of the recent murder of human rights defender Eduardo Umaña Mendoza in Colombia, where failure by the Government to punish the perpetrators was perpetuating conditions favourable to repetition of such outrages. Since 16 June 1997, Colombian NGOs had been waiting in vain for a reply from President Samper to their request for State security files to be opened for investigation, and for the disbanding of paramilitary groups, including the so-called "Convivir". It was in the light of that situation that his organization called upon countries like Colombia, in reviewing their policies, to first establish whether under existing procedures there had been any substantial reduction in human rights violations, and whether the recommendations of existing mechanisms and bodies had been applied.

39. Ms. LUBERTINO (International Women's Tribune) said that the promises of the Declaration and Programme of Action would only be fulfilled when people throughout the world were aware of and enjoyed their rights. To that end, effective coordination must be established between the various international conferences and summits. It was not admissible that some rights should be defended while others were neglected. The gap between the powerful and the underprivileged had widened, with intolerable consequences.

40. Globalization was not in itself either good or bad; everything depended on whether it was made an opportunity for change or one more instrument of domination. Various Governments had spoken of their advanced legislation for the protection of women and children against exploitation but had failed to recognize that their policies of economic concentration were damaging health and social security, leading to insecurity of employment, to cutbacks in educational and social expenditure, and to the social exclusion of the poor and even the impoverishment of the middle class.

41. Article 5 of the Vienna Declaration on the universality, interdependence and indivisibility of human rights would remain ineffectual if many countries continued to maintain their reservations to human rights instruments or persisted in non-compliance with them in religious or cultural matters. In the evolving process of human rights, when the great majority of the world reached consensus, a right became universally recognized and could not be nullified by reservations; when States imposed the religious views of their ruling classes, they were violating the human rights of all. Such was the case in Afghanistan and also, for example, in Poland, where a law had been passed in December 1997 strictly forbidding abortion and punishing women reduced to the necessity of practising it. Her organization was campaigning for the abolition of limitations upon sexual and reproductive rights, and for the achievement of freedom of thought and religion and physical integrity by women.

42. In the follow-up to the Vienna Conference, the women of the world called for an increase in activities and resources for the implementation of its recommendations; for the elimination not only from legislation but also from practice of every form of discrimination against women; for the establishment of the right of women to live lives free from violence with full enjoyment of health, including their sexual and reproductive rights, together with a guarantee of their social, economic and cultural rights.

43. Mr. WOLD-MARIAM (International Movement for Fraternal Union among Races and Peoples) said that the implementation of the Declaration and Programme of Action, which call for the participation of civil society through viable national NGOs, imposed a duty on Governments to make every effort to provide enabling environments for the establishment and free functioning of those bodies.

44. Among the regimes not only failing to comply with that obligation but intensifying intimidation of national NGOs was Ethiopia, which continued to refuse to register the Ethiopian Human Rights Council. There was no rule of law or due process in Ethiopia, where all the best-trained and most experienced judges and prosecutors had been dismissed and replaced by political appointees. The regime encouraged the use of trumped-up charges supported by witnesses tortured to testify against persons they had never met in their lives. It flouted all declarations and conventions, and extrajudicial executions, torture, forced disappearances and illegal detentions were rife. The freely organized Confederation of Ethiopian Trades Unions had been disbanded and replaced by a confederation under the control of props of the regime, and, with its president in jail, the Ethiopian Teachers' Association was paralysed. Journalists were also undergoing repression and persecution. He called upon the Commission, acting in pursuance of the principles of the Declaration and Programme of Action, to take urgent measures to ensure that regimes such as that in Ethiopia fully complied with international human rights standards.

45. Mr. GEBRIEL (World Federation of Democratic Youth) said that he wished to bring to the attention of the Commission the declaration of some 40 African NGOs which had participated in a five-day regional consultation at Kampala (Uganda) in February 1998. In essence, it stated that the African countries, acting in accordance with their commitment to the Universal Declaration of Human Rights and the African Charter of Human and Peoples' Rights, called on African Governments, legislators and political elites: to repeal repressive legislation providing a basis for arbitrary arrest and political imprisonment; and to ensure the immediate and unconditional liberation of political detainees and their security through legal channels. They called on the civil society of every country of Africa to launch national and regional solidarity campaigns on behalf of victims of the struggle for democracy and human rights in Africa.

46. Mr. GETAHUN (Observer for Ethiopia), speaking in exercise of the right of reply, said that the customary diatribe by the representative of the International Movement for Fraternal Union among Races and Peoples against the Government of Ethiopia was in keeping with the stated political goal of that organization. That representative's statement had nothing to do with the agenda item under discussion and was in clear contravention of the Commission's rules of procedure. The organization, which camouflaged itself as a human rights organization, lamented the demise of the defunct dictatorial Dergue regime in Ethiopia and, since that regime could not be restored, it engaged in a persistent smear and vilification campaign against the democratically elected Government. Having failed as a political and propaganda mouthpiece of anti-government forces within and outside the country, it was becoming increasingly shrill and virulent in its attacks upon

the Ethiopian Government. It was essentially a discredited force, and history had shown that the ultimate fate of such forces was their demise. The present was not the time for relating the internationally-acclaimed achievements of Ethiopia, which were familiar to all observers possessing a minimum of objectivity. His delegation did not wish to dignify the scurrilous attacks that had been made upon his Government by rebutting them in detail.

47. The CHAIRMAN announced that the Commission had completed its general discussion of agenda item 21.

The meeting rose at 8 p.m.